

**REVISED ROADWAY IMPROVEMENTS
FOR VENEZIA PROJECT**

**RESPONSE TO COMMENTS ON
SUPPLEMENT TO VENEZIA MITIGATED
NEGATIVE DECLARATION**

**SCH# 2005021128
UA NO. 2003-73**

Prepared By:
**CITY OF CALEXICO
PLANNING DIVISION
DEVELOPMENT SERVICES DEPARTMENT**
608 Heber Avenue
Calexico, CA 92231

JULY 2008

**RESPONSES TO COMMENTS
RECEIVED ON SUPPLEMENT TO
VENEZIA MITIGATED NEGATIVE DECLARATION
CITY OF CALEXICO**

1. INTRODUCTION

This document responds to public comments received on the Draft Supplemental Mitigated Negative Declaration (MND) which evaluated focused environmental impacts resulting with those revised roadway improvements being proposed for the Venezia project.

2. LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT COMMENTED ON THE DRAFT MND

The Draft MND was circulated for public review from May 30, 2008 to June 30, 2008. A total of six comment letters were received. The following is a listing of the organizations and public agencies that commented during this public review period.

Comment Letter	Commenter	Letter Date
A	Native American Heritage Commission	June 10, 2008
B	Department of Toxic Substances Control	June 13, 2008
C	Imperial Irrigation District	June 16, 2008
D	Department of Transportation (Caltrans)	June 26, 2008
E	Department of Fish and Game, Inland Deserts Region	June 27, 2008
F	Governor's Office of Planning and Research	July 1, 2008

3. RESPONSES TO COMMENTS RECEIVED

The following responds to public comments received on the Draft MND. Each letter is presented and lettered. Comments are bracketed; responses are then provided for each comment.

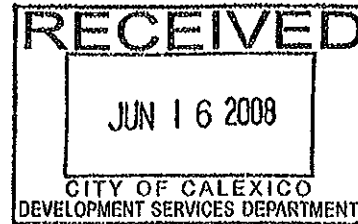
NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax: (916) 657-5390
 Web Site: www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



June 10, 2008

Mr. Armando G. Villa, City Planner
CITY OF CALEXICO
 608 Heber Avenue
 Calexico, CA 92231



Re: SOI#2005021128: CEQA Notice of Completion: proposed Mitigated Negative Declaration for the VENEZIA SUBDIVISION/MIXED-USE DEVELOPMENT and Roadway Improvements, City of Calexico, Imperial County, California

Dear Mr. Villa:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

✓ Contact the appropriate California Historic Resources Information Center (CHRIC) for possible 'recorded sites' in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278) <http://www.chp.parks.ca.gov>. The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors, when professional archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

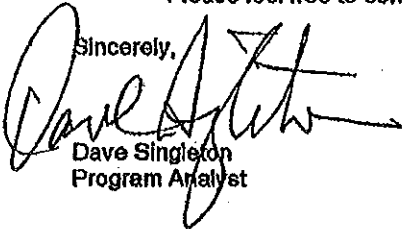
- ✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. .

Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

- ✓ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Native American Contacts
Imperial County
June 10, 2008

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
PO Box 1302 Kumeyaay
Boulevard , CA 91905
(619) 766-4930
(619) 766-4957 Fax

Torres-Martinez Desert Cahuilla Indians
Raymond Torres, Chairperson
PO Box 1160 Cahuilla
Thermal , CA 92274
(760) 397-0300
(760) 397-8146 Fax

Kumeyaay Cultural Heritage Preservation
Paul Cuero
36190 Church Road, Suite 5 Diegueno/ Kumeyaay
Campo , CA 91906
chairman@campo-nsn.gov
(619) 478-9046
(619) 478-9505
(619) 478-5818 Fax

Kwaaymli Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley , CA 91962
(619) 709-4207

Fort Yuma Quechan Indian Nation
Mike Jackson, Sr., President
PO Box 1899 Quechan
Yuma , AZ 85366
qltpres@quechantribe.com
(760) 572-0213
(760) 572-2102 FAX

Ewilaapaayp Tribal Office
Michael Garcia, Vice-Chairman/EPA Director
PO Box 2250 Kumeyaay
Alpine , CA 91903-2250
michaalg@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Quechan Indian Nation
Bridget Nash-Chrabascz, THPO
P.O. Box 1899 Quechan
Yuma , AZ 85366
b.nash@quechantribe.com
(928) 920-6068 - CELL
(760) 572-2423

A-1

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2005021128; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the VENEZIA Subdivision/ Mixed Use Development and Roadway Improvements Project; City of Calexico; Imperial County, California.

RESPONSE TO LETTER A: Native American Heritage Commission; David Singleton,
Program Analyst; June 10, 2008

Response to Comment A-1: The letter recommends a series of actions to determine if any cultural resources and/or Native American artifacts could be affected by the project. Discussions in the Supplemental MND were based on findings and conclusions contained in the document entitled, "Archaeological Survey Report", prepared by Harris Archaeological Consultants, in April 2006. HDR environmental consultants also prepared a May 25, 2007 letter that summarized findings from the archaeological survey report. These documents were included in the Supplemental MND and concluded that the project would not result in any significant impact. A mitigation measure has been established to ensure compliance with State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. In addition, the letter also provides a list of Native American Contacts. The City shall notice these Native American Contacts of any public meetings.



Linda S. Adams
Secretary for
Environmental Protection



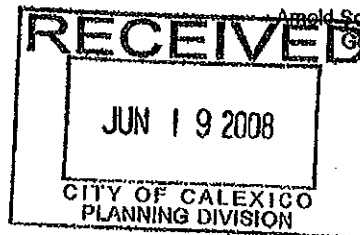
Department of Toxic Substances Control

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630

LETTER B



Arnold Schwarzenegger
Governor



June 13, 2008

Mr. Ricardo Hinojosa *ARMANDO VILVA*
Planning Director
City of Calexico
Department of Development Services, Planning Division
608 Heber Avenue
Calexico, California 92231

INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION (ND) FOR VENEZIA SUBDIVISION (SCH #2005021128)

Dear: Mr. Hinojosa:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "Approximately 78 acres of undeveloped farmland located within Imperial County have been acquired for a new subdivision development. The project land uses are planned for single family residential east of Bowker Road and commercial development west of Bowker Road. The project is proposed within the City of Calexico's existing sphere of influence."

B-1

Based on the review of the submitted document DTSC has the following comments:

- 1) The ND should identify any known or potentially contaminated sites within the proposed project area. For all identified sites, the ND should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

B-2

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Site Mitigation Program Property Database (formerly CalSites):
A Database primarily used by the California Department of Toxic Substances Control.
- Resource Conservation and Recovery Information System (RCRIS):
A database of RCRA facilities that is maintained by U.S. EPA.

- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.
- 3) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a Border Zone Property.

B-2

B-3

B-4

- 4) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 5) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 6) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).
- 7) If it is determined that hazardous wastes are or will be generated and the wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (714) 484-5423 to initiate pre-application discussions and determine the permitting process applicable to the facility.
- 8) If it is determined that hazardous wastes will be generated, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
- 9) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 10) If the site was used for agricultural or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary,

Mr. Ricardo Hinojosa
June 13, 2008
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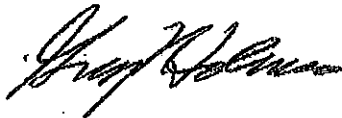
should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

- 11) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.
- 12) Envirostor (formerly CalSites) is a database primarily used by the California Department of Toxic Substances Control, and is accessible through DTSC's website. DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489 for the VCA.
- 13) In future CEQA documents please provide the contact person's e-mail address.

B-4

If you have any questions regarding this letter, please contact
Ms. Eileen Khachatourians, Project Manager, at (714) 484-5349.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program - Cypress

cc: See next page.

Mr. Ricardo Hinojosa
June 13, 2008
Page 5

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Mr. Jurg Hurburg
Imperial County Local Agency Formation Commission
509 South 8th Street
El Centro, California 92243

CEQA # 2186

RESPONSE TO LETTER B: Department of Toxic Substances Control; Greg Holms, Unit Chief, Brownfields and Environmental Restoration Program, Cypress; June 13, 2008

Response to Comment B-1: The comment assumes that 78 acres of undeveloped farmland will be acquired to construct a new subdivision development. The commentor mistakenly did not realize that the City has already approved the overall Venezia project and its discretionary applications in 2006, including the following improvements: 249 single-family residences; park facilities and retention basin; mini-park; commercial; and a commercial retention basin. A MND was prepared and approved by the City in 2006 which provided the necessary environmental evaluations and clearances for the overall Venezia project. The Supplemental MND does not evaluate the overall Venezia land use plan, since it was already environmentally cleared and approved in 2006. The Supplemental MND evaluates the project's roadway improvements that are being readjusted in response to the revocation of CM Ranch's project approvals and its required roadway improvements. In 2006, Venezia was conditioned and required to provide specific offsite roadway improvements that were predicated upon other roadway improvements to be constructed by the adjacent CM Ranch project. Since CM Ranch's project approvals have been revoked, its roadway improvements will not be constructed. Accordingly, Venezia's plans for development and roadway improvements now require revision and "readjustment". Those revised Venezia roadway improvements described in the Supplemental MND are proposed in response to the revocation of CM Ranch's project approvals and its required roadway improvements. Presently, the applicant is not proposing any changes to its land use plan for the Venezia project.

Response to Comment B-2: The comment recommends that an evaluation of hazards and hazardous materials be conducted. A Phase 1 Environmental Assessment was prepared in April 2004 by Environmental Data Resources for the Venezia project and was incorporated into the Mitigated Negative Declaration that was prepared and approved for the Venezia project in 2006. The Phase 1 Assessment and 2006 MND concluded that "The project area is not located on a site that is listed as hazardous materials. The Phase 1 Environmental Site Assessment (ESA) report has concluded that the project area soils and environmental conditions are below the maximum allowed thresholds." The current and historic uses of the site have not changed since the Venezia land use plan was approved by the City in 2006. Therefore, findings and conclusions from the previously prepared Phase 1 Environmental Assessment and MND continue to apply to the Supplemental MND. Further evaluation is not required.

Response to Comment B-3: The comment recommends that a mechanism be established to investigate and/or remediate any contamination. As discussed previously, a Phase 1 Environmental Assessment was prepared in April 2004 by Environmental Data Resources for the Venezia project and was incorporated into the Mitigated Negative Declaration that was prepared for the Venezia project in 2006. These documents concluded that "The project area is not located on a site that is listed as hazardous materials. The Phase 1 Environmental Site Assessment (ESA) report has concluded that the project area soils and environmental conditions are below the maximum allowed thresholds." The current and historic uses of the site have not changed since the Venezia land use plan was approved by the City in 2006. Those findings and conclusions from the previously prepared Phase 1 Environmental Assessment and MND continue to apply to the Supplemental MND. Therefore, no further investigation and/or remediation of the project site would be required.

Response to Comment B-4: The comments provide guidance and procedures if hazards and hazardous materials are uncovered during project construction and operation. In addition, contact information is also requested. Appropriate decision-makers and staff will be made aware of the comments to ensure compliance.



LETTER C

IMPERIAL IRRIGATION DISTRICT

OPERATING HEADQUARTERS • P. O. BOX 937 • IMPERIAL, CALIFORNIA 92251

June 16, 2008

Mr. Armando G. Villa, Director
Development Services
Planning Division
City of Calexico
608 Heber Road, CA 92231

Subject: Supplemental Mitigated Negative Declaration-Revised Roadway
Improvements for Venezia Project

Dear Mr. Villa:

Imperial Irrigation District's (IID) Water Department reviewed the Negative Declaration, and provides the following comments:

- 1) Due to the inability to discontinue water service in the All-American Canal (AAC), the best option may be to reconstruct the existing highway crossing as a bridge. The most appropriate alternative will require a thorough review and analysis by both the U.S. Bureau of Reclamation (USBR) and IID to ensure continued and adequate operation and maintenance of the AAC.
- 2) A permit application must be submitted by both the contractor and Caltrans for this facility regardless of its type of construction.
- 3) IID has forwarded the plans to the USBR as the owners of the AAC. Please coordinate with them for this portion of the project.

If you have any questions, please contact me at (760) 339-9260.

Sincerely,

JOHN R. KILPS, P.E.
Supervising Engineer
Water Engineering Services

FV:mr

cc: Project Management
Supervisor, Real Estate
Supervisor, Environmental Compliance
Superintendent, Southend Water Division
Key Customer Coordinator

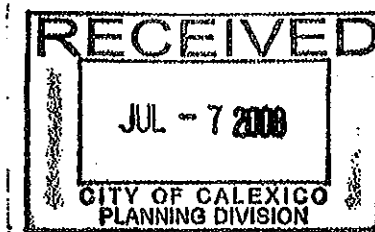
C-1

RESPONSE TO LETTER C: Imperial Irrigation District; John R. Kilps, P.E., Supervising Engineer, Water Engineering Services; June 16, 2008

Response to Comment C-1: The comments provide input to ensure continued and adequate operation and maintenance of the All-American Canal. In addition, the comments indicates that a permit application is required and that the overall Venezia project requires coordination with the U.S. Bureau of Reclamation. Appropriate decision-makers and staff will be made aware of the comments to ensure compliance.

DEPARTMENT OF TRANSPORTATION

District 11
4050 Taylor Street, MS 240
San Diego, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY (800) 735-2929



*Flex your power!
Be energy efficient!*

LETTER D

June 26, 2008

11-IMP-098

PM 34.4

Venezia Estates MND (Supplement)

Mr. Armando Villa
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Dear Mr. Villa:

The California Department of Transportation (Caltrans) received the Draft Supplement to the Mitigated Negative Declaration (MND – SCH# 2005021128), which includes the proposed SR-98 & Bowker Road intersection re-alignment. Caltrans has the following comments:

The intersection of SR-98 and Bowker Road currently exists at a skewed (approximately 45 degrees diagonal) angle. The Bowker Road access should be aligned as close as possible to a perpendicular (90 degrees) intersection with SR-98. A perpendicular angle of intersection provides a more favorable condition for drivers to judge the relative position and speed of intersecting vehicles by decreasing crossing distance. The minimum acceptable design skew for an intersection is 75 degrees. In order to provide adequate sight distance, mitigation identified in the Venezia MND proposed to re-align the intersection to reduce the skew angle to the minimum value allowed (75 degrees). Therefore, the intersection of SR-98 and Bowker Road shall meet the minimum design for a skewed intersection in accordance with the California Department of Transportation Highway Design Manual, chapter 400.

D-1

The interim improvements at SR-98/Bowker Road are based upon the Phase 1 – Interim Condition as identified in the MND Traffic Impact Analysis (TIA – April 2008). Due to the physical and funding constraints associated with improving the SR-98/Bowker Road intersection, the improvements identified in the MND are considered "interim". Therefore, this interim improvement was analyzed to accommodate only the Phase 1- Interim Condition traffic. In order for the development of Phase 2 of the project, as well as any other development proposals within the vicinity that will generate additional trips to this intersection, the full improvements at Bowker/SR-98 and Jade/SR-98 will need to be completed.

It is recommended the City of Calexico and Caltrans enter into a Memorandum of Understanding (MOU) to define the ultimate SR-98/Jade Avenue and SR-98/Bowker Road improvements, including an implementation schedule specifying the roles and responsibilities of each party. Any future actions by the City not in compliance with this MND or the MOU that is deemed detrimental to the safety and operational conditions on SR-98 will necessitate a response from Caltrans.

D-2

"Caltrans improves mobility across California"

The ultimate improvements to SR-98 will need to be further studied. Caltrans just recently completed the SR-98 East Study, which studied widening and corridor improvements to SR-98 from SR-111 to SR-7. We will be providing the City a copy of the final SR-98 East Study and recommend its use as a guide to the development of potential improvements along the SR-98 corridor. It is also suggested the City begin as early as possible corresponding with Caltrans on any future improvement plans.

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by the Department. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). A PEER should always be prepared, regardless of the cost of improvements, when new operating improvements are constructed by the permittee that become part of the State Highway System. These include but are not limited to, signalization, channelization, turn pockets, widening, realignment, public road connections, and bike paths and lanes. After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

D-3

Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents, Project Study Reports and Cooperative Agreements). A Caltrans District responsible unit will be notified and a project manager will be assigned to coordinate the project approval.

In order to expedite the process for projects sponsored by a local agency or private developer, it is recommended a PEER be prepared and included in the Lead Agency's CEQA document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM). <http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm>.
[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_\(TR-0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_(TR-0112).pdf)

Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to State Highway R/W. Environmental documentation should include studies or letters from qualified specialists or personnel which address the potential, or lack of potential, for impacts to the following resources in state right-of-way:

D-4

Biological resources
Archaeological and historic resources
Visual quality
Hazardous waste
Water quality & stormwater

Mr. Armando Villa
June 26, 2008
Page 3

Pre-historic resources
Air quality
Noise levels

Copies of all project-related environmental documentation and studies which address the above-cited resources should be included with the project proponent's encroachment permit application to Caltrans for work within State R/W. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Encroachment permit submittals that are incomplete can result in significant delays in permit approval. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

When a property owner proposes to dedicate property to a local agency for Caltrans use in conjunction with a permit project, Caltrans will not issue the encroachment permit until the dedication is made and the property has been conveyed to the Department.

D-5

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California. The Department's Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions, please contact Leila Ibrahim, Development Review Branch, at (619) 688-6954.

Sincerely,



Jacob Armstrong, Chief
Development Review Branch

Cc: Bill Darnell, Darnell & Associates

RESPONSE TO LETTER D: Department of Transportation (Caltrans); Jacob Armstrong, Chief, Development Review Branch; June 26, 2008

Response to Comment D-1: The comments provide information on the existing SR-98 and Bowker Road alignments and confirm that proposed improvements described in the Supplemental MND are considered "interim". Appropriate decision-makers and staff will be made aware of the comments.

Response to Comment D-2: The comment requests that a Memorandum of Understanding (MOU) be executed to define the ultimate SR-98/Jade Avenue and SR-98/Bowker Road improvements. Appropriate decision-makers and staff will be made aware of the comments to ensure compliance.

Response to Comment D-3: The comment states that ultimate improvements to SR-98 would require further environmental CEQA evaluation, preparation of a Permit Engineering Evaluation Report (PEER), and compliance with the full Project Development Process. As discussed in Response to Comment D-1, Caltrans confirmed that those improvements being proposed at this time are interim and not ultimate. Appropriate decision-makers and staff will be made aware of the comments to ensure compliance.

Response to Comment D-4: The comment indicates that application of an encroachment permit would require assessment of environmental issues. Mr. Jacob Armstrong (Chief, Development Review Branch), in a July 10, 2008 telephone conversation indicated that those environmental evaluations contained in the 2006 Mitigated Negative Declaration for the Venezia project, the Supplemental MND, and those technical studies included in the two MND documents were adequate in evaluating the relevant and applicable environmental issues for Caltrans' purposes.

Response to Comment D-5: The comments provide information relating to the encroachment permit application and submittal requirements, and submittal of improvement plans for construction within the State right-of-way. Appropriate decision-makers and staff will be made aware of the comments to ensure compliance.



DEPARTMENT OF FISH AND GAME

Inland Deserts Region

78078 Country Club Dr., Ste. 109

Bermuda Dunes, CA 92201

(760) 200-9419

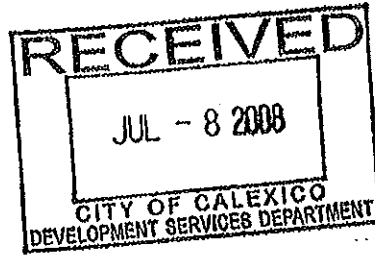
June 27, 2008

Armando G. Villa

City of Calexico

608 Heber Avenue

Calexico, CA 92231



LETTER E

Re: Mit Neg Dec Venezia Subdivision

Dear Mr. Villa,

The California Department of Fish and Game (Department) appreciates the opportunity to comment on the Mitigated Negative Declaration (Mit Neg Dec) for the Venezia Subdivision project (SCH# 2005021128). The Department has reviewed the above-referenced project, relative to impacts to biological resources. The project proposes new commercial and new residential development on a total of 79 acres in Imperial County. The land, located south of highway 98, currently consists of farmland and is planned for annexation to the City of Calexico. The project land uses that are planned for single-family residential are located east of Bowker Road and for commercial are located west of Bowker Road. The project is proposed within the City of Calexico's sphere of influence.

E-1

The proposed project site is located in potential habitat for the Western Burrowing Owl (*Athene cunicularia*). This species is designated as California Species of Special Concern. Section 15380 of the California Environmental Quality Act (CEQA) requires the lead agency to treat sensitive species as though they were listed, if the species meets the criteria for listing described in the section. The Department believes that the proposed project could further the decline of the above sensitive species. This species must be treated as though it were listed and appropriate avoidance, mitigation, and compensation for impacts need to be identified. Unavoidable impacts to the Western Burrowing Owl should be mitigated through acquisition and protection, in perpetuity, of high quality biological habitat. In addition, surveys and mitigation should be consistent with the 1995 Department Staff Report on Burrowing Owl Mitigation (attached).

E-2

Thank you for the opportunity to comment on this document. If you have any questions please contact Mr. Jim Sheridan, Environmental Scientist, at the above phone number.

Sincerely,

Craig J Weightman

Acting Senior Environmental Scientist

Inland Deserts Region

Memorandum

: "Div. Chiefs - IFD, BDD, NED, & WMD
Reg. Mgrs. - Regions 1, 2, 3, 4, & 5

Date : October 17, 1995

From : Department of Fish and Game

Subject :
Staff Report on Burrowing Owl Mitigation

I am hereby transmitting the Staff Report on Burrowing Owl Mitigation for your use in reviewing projects (California Environmental Quality Act [CEQA] and others) which may affect burrowing owl habitat. The Staff Report has been developed during the last several months by the Environmental Services Division (ESD) in cooperation with the Wildlife Management Division (WMD) and regions 1, 2, and 4. It has been sent out for public review and redrafted as appropriate.

Either the mitigation measures in the staff report may be used or project specific measures may be developed. Alternative project specific measures proposed by the Department divisions/regions or by project sponsors will also be considered. However, such mitigation measures must be submitted to ESD for review. The review process will focus on the consistency of the proposed measure with Department, Fish and Game Commission, and legislative policy and with laws regarding raptor species. ESD will coordinate project specific mitigation measure review with WMD.

If you have any questions regarding the report, please contact Mr. Ron Rempel, Supervising Biologist, Environmental Services Division, telephone (916) 654-9980.

COPY Original signed by
C.F. Raysbrook

C. F. Raysbrook
Interim Director

Attachment

cc: Mr. Ron Rempel
Department of Fish and Game
Sacramento

STAFF REPORT ON BURROWING OWL MITIGATION

Introduction

The Legislature and the Fish and Game Commission have developed the policies, standards and regulatory mandates to protect native species of fish and wildlife. In order to determine how the Department of Fish and Game (Department) could judge the adequacy of mitigation measures designed to offset impacts to burrowing owls (*Speotyto cunicularia*; A.O.U. 1991) staff (WMD, ESD, and Regions) has prepared this report. To ensure compliance with legislative and commission policy, mitigation requirements which are consistent with this report should be incorporated into: (1) Department comments to Lead Agencies and project sponsors pursuant to the California Environmental Quality Act (CEQA); and (2) other authorizations the Department gives to project proponents for projects impacting burrowing owls.

This report is designed to provide the Department (including regional offices and divisions), CEQA Lead Agencies and project proponents the context in which the Environmental Services Division (ESD) will review proposed project specific mitigation measures. This report also includes preapproved mitigation measures which have been judged to be consistent with policies, standards and legal mandates of the Legislature, the Fish and Game Commission and the Department's public trust responsibilities. Implementation of mitigation measures consistent with this report are intended to help achieve the conservation of burrowing owls and should compliment multi-species habitat conservation planning efforts currently underway. The *Burrowing Owl Survey Protocol and Mitigation Guidelines* developed by The California Burrowing Owl Consortium (CBOC 1993) were taken into consideration in the preparation of this staff report as were comments from other interested parties.

A range-wide conservation strategy for this species is needed. Any range-wide conservation strategy should establish criteria for avoiding the need to list the species pursuant to either the California or federal Endangered Species Acts through preservation of existing habitat, population expansion into former habitat, recruitment of young into the population, and other specific efforts.

California's burrowing owl population is clearly declining and, if declines continue, the species may qualify for listing. Because of the intense pressure for urban development within suitable burrowing owl nesting and foraging habitat (open, flat and gently rolling grasslands and grass/shrub lands) in California, conflicts between owls and development projects often occur. Owl survival can be adversely affected by disturbance and foraging habitat loss even when impacts to individual birds and nests/burrows are avoided. Adequate information about the presence of owls is often unavailable prior to project approval. Following project approval there is no legal mechanism through which to seek mitigation other than avoidance of occupied burrows or nests. The absence of standardized survey methods often impedes consistent impact assessment.

Burrowing Owl Habitat Description

Burrowing owl habitat can be found in annual and perennial grasslands, deserts, and arid scrublands characterized by low-growing vegetation (Zarn 1974). Suitable owl habitat may also include trees and shrubs if the canopy covers less than 30 percent of the ground surface. Burrows are the essential component of burrowing owl habitat. Both natural and artificial burrows provide protection, shelter, and nests for burrowing owls (Henny and Blus 1981). Burrowing owls typically use burrows made by fossorial mammals, such as ground squirrels or badgers, but also may use man-made structures such as cement culverts; cement, asphalt, or wood debris piles; or openings beneath cement or asphalt pavement.

Occupied Burrowing Owl Habitat

Burrowing owls may use a site for breeding, wintering, foraging, and/or migration stopovers. Occupancy of suitable burrowing owl habitat can be verified at a site by detecting a burrowing owl, its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance. Burrowing owls exhibit high site fidelity, reusing burrows year after year (Rich 1984, Feeney 1992). A site should be assumed occupied if at least one burrowing owl has been observed occupying a burrow there within the last three years (Rich 1984).

CEQA Project Review

The measures included in this report are intended to provide a decision-making process that should be implemented whenever there is potential for an action or project to adversely affect burrowing owls. For projects subject to the California Environmental Quality Act (CEQA), the process begins by conducting surveys to determine if burrowing owls are foraging or nesting on or adjacent to the project site. If surveys confirm that the site is occupied habitat, mitigation measures to minimize impacts to burrowing owls, their burrows and foraging habitat should be incorporated into the CEQA document as enforceable conditions. The measures in this document are intended to conserve the species by protecting and maintaining viable populations of the species throughout their range in California. This may often result in protecting and managing habitat for the species at sites away from rapidly urbanizing/developing areas. Projects and situations vary and mitigation measures should be adapted to fit specific circumstances.

Projects not subject to CEQA review may have to be handled separately since the legal authority the Department has with respect to burrowing owls in this type of situation is often limited. The burrowing owl is protected from "take" (Section 3503.5 of the Fish and Game Code) but unoccupied habitat is likely to be lost for activities not subject to CEQA.

Legal Status

The burrowing owl is a migratory species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3505, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs. To avoid violation of the take provisions of these laws generally requires that project-related disturbance at active nesting territories be reduced or eliminated during the nesting cycle (February 1 to August 31). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered "take" and is potentially punishable by fines and/or imprisonment.

The burrowing owl is a Species of Special Concern to California because of declines of suitable habitat and both localized and statewide population declines. Guidelines for the Implementation of the California Environmental Quality Act (CEQA) provide that a species be considered as endangered or "rare" regardless of appearance on a formal list for the purposes of the CEQA (Guidelines, Section 15380, subsections b and d). The CEQA requires a mandatory findings of significance if impacts to threatened or endangered species are likely to occur (Sections 21001 (c), 2103; Guidelines 15380, 15064, 15065). To be legally adequate, mitigation measures must be capable of "avoiding the impact altogether by not taking a certain action or parts of an action"; "minimizing impacts by limiting the degree or magnitude of the action and its implementation"; "rectifying the impact by repairing, rehabilitating or restoring the impacted environment"; "or reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action" (Guidelines, Section 15370). Avoidance or mitigation to reduce impacts to less than significant levels must be included in a project or the CEQA lead agency must make and justify findings of overriding considerations.

Impact Assessment

Habitat Assessment

The project site and a 150 meter (approximately 500 ft.) buffer (where possible and appropriate based on habitat) should be surveyed to assess the presence of burrowing owls and their habitat (Thomsen 1971, Martin 1973). If occupied habitat is detected on or adjacent to the site, measures to avoid, minimize, or mitigate the project's impacts to the species should be incorporated into the project, including burrow preconstruction surveys to ensure avoidance of direct take. It is also recommended that preconstruction surveys be conducted if the species was not detected but is likely to occur on the project site.

Burrowing Owl and Burrow Surveys

Burrowing owl and burrow surveys should be conducted during both the wintering and nesting seasons, unless the species is detected on the first survey. If possible, the winter survey should be conducted between December 1 and January 31 (when wintering owls are most likely to be present) and the nesting season survey should be conducted between April 15 and July 15 (the peak of the breeding season). Surveys conducted from two hours before sunset to one hour after, or from one hour before to two hours after sunrise, are also preferable.

Surveys should be conducted by walking suitable habitat on the entire project site and (where possible) in areas within 150 meters (approx. 500 ft.) of the project impact zone. The 150-meter buffer zone is surveyed to identify burrows and owls outside of the project area which may be impacted by factors -such as noise and vibration (heavy equipment, etc.) during project construction. Pedestrian survey transects should be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines should be no more than 30 meters (approx. 100 ft.) and should be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To effectively survey large projects (100 acres or larger), two or more surveyors should be used to walk adjacent transects. To avoid impacts to owls from surveyors, owls and/or occupied burrows should be avoided by a minimum of 50 meters (approx. 160 ft.) wherever practical. Disturbance to occupied burrows should be avoided during all seasons.

Definition of Impacts

The following should be considered impacts to the species:

- Disturbance within 50 meters (approx. 160 ft.) Which may result in harassment of owls at occupied burrows;
- Destruction of natural and artificial burrows (culverts, concrete slabs and debris piles that provide shelter to burrowing owls); and
- Destruction and/or degradation of foraging habitat adjacent (within 100 m) of an occupied burrow(s).

Written Report

A report for the project should be prepared for the Department and copies should be submitted to the Regional contact and to the Wildlife Management Division Bird and Mammal Conservation Program. The report should include the following information:

- Date and time of visit(s) including name of the qualified biologist conducting surveys, weather and visibility conditions, and survey methodology;
- Description of the site including location, size, topography, vegetation communities, and animals observed during visit(s);
- Assessment of habitat suitability for burrowing owls;
- Map and photographs of the site;
- Results of transect surveys including a map showing the location of all burrow(s) (natural or artificial) and owl(s), including the numbers at each burrow if present and tracks, feathers, pellets, or other items (prey remains, animal scat);
- Behavior of owls during the surveys;
- Summary of both winter and nesting season surveys including any productivity information and a map showing territorial boundaries and home ranges; and
- Any historical information (Natural Diversity Database, Department regional files? Breeding Bird Survey data, American Birds records, Audubon Society, local bird club, other biologists, etc.) regarding the presence of burrowing owls on the site.

Mitigation

The objective of these measures is to avoid and minimize impacts to burrowing owls at a project site and preserve habitat that will support viable owls populations. If burrowing owls are detected using the project area, mitigation measures to minimize and offset the potential impacts should be included as enforceable measures during the CEQA process.

Mitigation actions should be carried out from September 1 to January 31 which is prior to the nesting season (Thomsen 1971; Zarr 1974). Since the timing of nesting activity may vary with latitude and climatic conditions, this time frame should be adjusted accordingly. Preconstruction surveys of suitable habitat at the project site(s) and buffer zone(s) should be conducted within the 30 days prior to construction to ensure no additional, burrowing owls have established territories since the initial surveys. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site should be resurveyed.

Although the mitigation measures may be included as enforceable project conditions in the CEQA process, it may also be desirable to formalize them in a Memorandum of Understanding (MOU) between the Department and the project sponsor. An MOU is needed when lands (fee title or conservation easement) are being transferred to the Department.

Specific Mitigation Measures

1. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Department verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
2. To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 100 m {approx. 300 ft.} foraging radius around the burrow) per pair or unpaired resident bird, should be acquired and permanently protected. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to the Department. *Protection of additional habitat acreage per pair or unpaired resident bird may be applicable in some instances.* The CBOC has also developed mitigation guidelines (CBOC 1993) that can be incorporated by CEQA lead agencies and which are consistent with this staff report.
3. When destruction of occupied burrows is unavoidable, existing unsuitable burrows should be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site. One example of an artificial burrow design is provided in Attachment A.
4. If owls must be moved away from the disturbance area, passive relocation techniques (as described below) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows.
5. The project sponsor should provide funding for long-term management and monitoring of the protected lands. The monitoring plan should include success criteria, remedial measures, and an annual report to the Department.

Impact Avoidance

If avoidance is the preferred method of dealing with potential project impacts, then no disturbance should occur within 50 meters (approx. 160 ft.) of occupied burrows during the nonbreeding season of September 1 through January 31 or within 75 meters (approx. 250 ft.) during the breeding season of February 1 through August 31. Avoidance also requires that a minimum of 6.5 acres of foraging habitat be *permanently* preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird. The configuration of the protected habitat should be approved by the Department.

Passive Relocation - With One-Way Doors

Owls should be excluded from burrows in the immediate impact zone and within a 50 meter (approx. 160 ft.) buffer zone by installing one-way doors in burrow entrances. One-way doors (e.g., modified dryer vents) should be left in place 48 hours to insure owls have left the burrow before excavation. Two natural or artificial burrows should be provided for each burrow in the project area that will be rendered biologically unsuitable. The project area should be *monitored daily for one week* to confirm owl use of burrows before excavating burrows in the immediate impact zone. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.

Passive Relocation - Without One-Way Doors

Two natural or artificial burrows should be provided for each burrow in the project area that will be rendered biologically unsuitable. The project area should be *monitored daily until the owls have relocated to the new burrows*. The formerly occupied burrows may then be excavated. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into burrows during excavation to maintain an escape route for any animals inside the burrow.

Projects Not Subject to CEQA

The Department is often contacted regarding the presence of burrowing owls on construction sites, parking lots and other areas for which there is no CEQA action or for which the CEQA process has been completed. In these situations, the Department should seek to reach agreement with the project sponsor to implement the specific mitigation measures described above. If they are unwilling to do so, passive relocation without the aid of one-way doors is their only option based upon Fish and Game Code 3503.5.

Literature Cited

- American Ornithologists Union (AOU). 1991. Thirty-eighth supplement to the AOU checklist of North American birds. *Auk* 108:750-754.
- Feeney, L. 1992. Site fidelity in burrowing owls. Unpublished paper presented to Raptor Research Annual Meeting, November 1992. Seattle, Washington.
- Haug, E. A. and L. W. Oliphant. 1990. Movements, activity patterns, and habitat use of burrowing owls in Saskatchewan. *J. Wildlife Management* 54:27-35.
- Henny, C. J. and L. J. Blus. 1981. Artificial burrows provide new insight into burrowing owl nesting biology. *Raptor Research* 15:82-85.
- Martin, D. J. 1973. Selected aspects of burrowing owl ecology and behavior. *Condor* 75:446-456.
- Rich, T. 1984. Monitoring burrowing owl populations: Implications of burrow re-use. *Wildlife Society Bulletin* 12:178-180.
- The California Burrowing Owl Consortium (CBOC). 1993. Burrowing owl survey protocol and mitigation guidelines. Tech. Rep. Burrowing Owl Consortium, Alviso, California.
- Thomsen, L. 1971. Behavior and ecology of burrowing owls on the Oakland Municipal Airport. *Condor* 73:177-192.
- Zam, M. 1974. Burrowing owl. U. S. Department of Interior, Bureau of Land Management. Technical Note T-N 250. Denver, Colorado. 25 pp.

Reproductive Success of Burrowing Owls Using Artificial Nest Burrows in Southeastern Idaho

by Bruce Olenick

Artificial nest burrows were implanted in southeastern Idaho for burrowing owls in the spring of 1986. These artificial burrows consisted of a 12" x 12" x 8" wood nesting chamber with removable top and a 6 foot corrugated and perforated plastic drainage pipe 6 inches in diameter (Fig. 1). Earlier investigators claimed that artificial burrows must provide a natural dirt floor to allow burrowing owls to modify the nesting tunnel and chamber. Contrary to this, the artificial burrow introduced here does not allow owls to modify the entrance or tunnel. The inability to change the physical dimensions of the burrow tunnel does not seem to reflect the owls' breeding success or deter them from using this burrow design.

In 1936, 22 artificial burrows were inhabited. Thirteen nesting attempts yielded an average clutch size of 8.3 eggs per breeding pair. Eight nests successfully hatched at least 1 nestling. In these nests, 67 of 75 eggs hatched (89.3%) and an estimated 61 nestlings (91.0%) fledged. An analysis of the egg laying and incubation periods showed that incubation commenced well after egg lay-

ing began. Average clutch size at the start of incubation was 5.6 eggs. Most eggs tended to hatch synchronously in all successful nests.

Although the initial cost of constructing this burrow design may be slightly higher than a burrow consisting entirely of wood, the plastic pipe burrow offers the following advantages: (1) it lasts several field seasons without rotting or collapsing; (2) it may prevent or retard predation; (3) construction time is min-

imal; (4) it is easy to transport, especially over long distances; and (5) the flexible tunnel simplifies installation. The use of this artificial nest burrow design was highly successful and may prove to be a great resource technique for future management of this species.

For additional information on constructing this artificial nest burrow, contact Bruce Olenick, Department of Biology, Idaho State University, Pocatello, ID 83209.

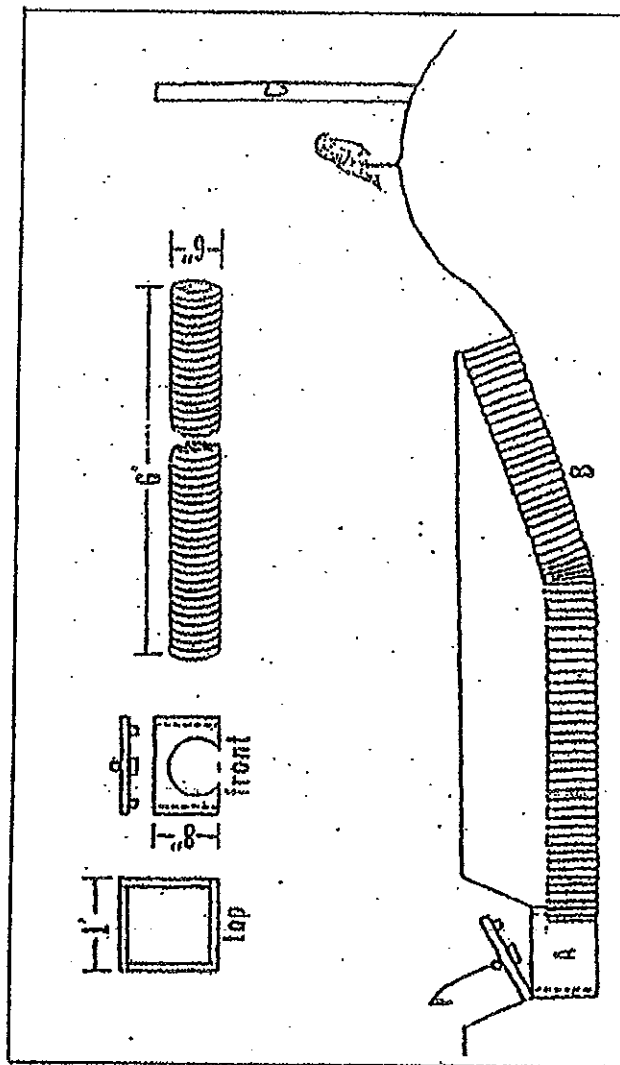


Fig. 1 Artificial nest burrow design for burrowing owls. Entire unit (including nest chamber) is buried 12" - 18" below ground for maintaining thermal stability of the nest chamber. A = nest chamber, B = plastic pipe, C = perch.

RESPONSE TO LETTER E: Department of Fish and Game; Craig J. Weightman, Acting Senior Environmental Scientist, Inland Deserts Region; June 27, 2008

Response to Comment E-1: The comment assumes that 78 acres of undeveloped farmland will be acquired to construct a new subdivision development. The commentor mistakenly did not realize that the City has already approved the overall Venezia project and its discretionary applications in 2006, including the following improvements: 249 single-family residences; park facilities and retention basin; mini-park; commercial; and a commercial retention basin. A MND was prepared and approved by the City in 2006 which provided the necessary environmental evaluations and clearances for the overall Venezia project. The Supplemental MND does not evaluate the overall Venezia land use plan, since it was already environmentally cleared and approved in 2006. The Supplemental MND evaluates the project's roadway improvements that are being readjusted in response to the revocation of CM Ranch's project approvals and its required roadway improvements. In 2006, Venezia was conditioned and required to provide specific offsite roadway improvements that were predicated upon other roadway improvements to be constructed by the adjacent CM Ranch project. Since CM Ranch's project approvals have been revoked, its roadway improvements will not be constructed. Accordingly, Venezia's plans for development and roadway improvements now require revision and "readjustment". Those revised Venezia roadway improvements described in the Supplemental MND are proposed in response to the revocation of CM Ranch's project approvals and its required roadway improvements. Presently, the applicant is not proposing any changes to its land use plan for the Venezia project.

Response to Comment E-2: The comment requests that the Western Burrowing Owl and habitat be surveyed. The document entitled, "Tierrasanta Highway Improvement Project Western Burrowing Owl Survey Calexico, California", which was prepared by HDR Engineering, in April 2006 and included in the Supplemental MND, surveyed the burrowing owl and its habitat. HDR also prepared a May 25, 2007 letter that summarized findings from their burrowing owl survey. The letter was also included in the Supplemental MND. In summary, HDR conducted a baseline biological survey and a burrowing owl habitat assessment and survey on March 27, 28, 29, and 30, 2006 according to Guidelines presented in the California Department of Fish and Game staff report and the Burrowing Owl Consortium. HDR concluded that the survey area did not support any active burrows. However, two active burrows which provided nesting habitat for two pairs were found within the 150-meter buffer. In addition, six pairs and one single owl were observed inhabiting seven burrows outside the survey area. HDR concluded that "No direct impacts to biological resources associated with the proposed project are identified pursuant to CEQA. No active burrowing owl burrows are found within the project site." HDR did conclude that the two pairs of owls could be impacted by construction activities. HDR recommended mitigation measures to alleviate potential impacts to the burrowing owl. HDR concluded that with mitigation measures, potential impacts to biological resources would be reduced to "below a level of significance." These mitigation measures are included in the Supplemental MND.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

July 1, 2008

Armando G. Villa
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Subject: Venezia Subdivision
SCH#: 2005021128

Dear Armando G. Villa:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 30, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

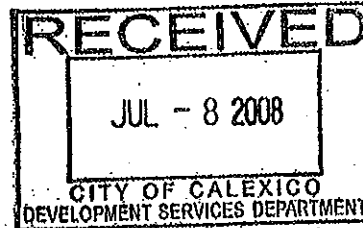
These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency



LETTER F

F-1

Document Details Report
State Clearinghouse Data Base

SCH# 2005021128
Project Title Venezia Subdivision
Lead Agency Calexico, City of

Type MND Mitigated Negative Declaration
Description A total of 79 farmland acreage in the Imperial County are planned for annexation and subdivision. The project is planned for new residential and new commercial development. The planned development will consist of 259 single family detached units; and 13.21 acres for commercial use.

Lead Agency Contact

Name Armando G. Villa
Agency City of Calexico
Phone (760) 768-2105
email
Address 608 Heber Avenue
City Calexico
Fax
State CA **Zip** 92231

Project Location

County Imperial
City
Region
Lat / Long
Cross Streets Highway 98 and Bowker Road
Parcel No. 059-180-31
Township **Range** **Section** **Base**

Proximity to:

Highways 98, 111
Airports
Railways
Waterways All American Canal
Schools
Land Use Site currently vacant with agricultural uses
Zoning: R-1 Single Family Residential and Commercial Highway
General Plan: Commercial and Medium Density Residential

Project Issues Archaeologic-Historic; Biological Resources; Traffic/Circulation

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 7; Department of Parks and Recreation; Native American Heritage Commission; Department of Fish and Game, Region 6; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 11

Date Received 05/30/2008 **Start of Review** 05/30/2008 **End of Review** 06/30/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

RESPONSE TO LETTER F: Governor's Office of Planning and Research; Terry Roberts,
Director, State Clearinghouse; July 1, 2008

Response to Comment F-1: No response necessary. The comment notified the City of Calexico that the Office received the Supplemental MND and had forwarded the document to relevant State agencies.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2005021128

Project Title: VENEZIA SUBDIVISION

Lead Agency: CITY OF CALEXICO

Contact Person: ARMANDO G. VILLA

Mailing Address: 608 HEBER AVENUE

Phone: (760) 768-2105

City: CALEXICO

Zip: 92231

County: IMPERIAL

Project Location: County: IMPERIAL

City/Nearest Community: CALEXICO

Cross Streets: HWY 98/BOWKER ROAD

Zip Code: 92231

Lat. / Long.: _____ "N" _____ "W"

Total Acres: 78.31

Assessor's Parcel No.: 059-180-31

Section: _____

Twp.: _____

Range: _____

Base: _____

Within 2 Miles: State Hwy #: HWY 98 & HWY 111

Waterways: ALL AMERICAN CANAL

Airports: N/A

Railways: N/A

Schools: N/A

Document Type:

CEQA:

☐ NOP

☐ Early Cons

☐ Neg Dec

☒ Mit Neg Dec

☐ Draft EIR

☐ Supplement/Subsequent EIR

(Prior SCH No.)

Other Supplemental to MND

NEPA:

☐ NOI

☐ EA

☐ Draft EIS

☐ FONSI

Other:

☐ Joint Document

☐ Final Document

☐ Other

Local Action Type:

☐ General Plan Update

☐ General Plan Amendment

☐ General Plan Element

☐ Community Plan

☐ Specific Plan

☐ Master Plan

☐ Planned Unit Development

☐ Site Plan

☐ Rezone

☐ Prezone

☐ Use Permit

☒ Land Division (Subdivision, etc.)

☐ Annexation

☐ Redevelopment

☐ Coastal Permit

☐ Other

Development Type:

☒ Residential: Units 250

Acres 78

☐ Office: Sq.ft. _____

Acres _____

Employees _____

☒ Commercial: Sq.ft. _____

Acres 12.61

Employees _____

☐ Industrial: Sq.ft. _____

Acres _____

Employees _____

☐ Educational

☐ Recreational

☐ Water Facilities: Type _____

MGD _____

☐ Transportation: Type _____

☐ Mining: Mineral _____

☐ Power: Type _____

MW _____

☐ Waste Treatment: Type _____

MGD _____

☐ Hazardous Waste: Type _____

☐ Other: _____

Project Issues Discussed in Document:

☐ Aesthetic/Visual

☐ Agricultural Land

☐ Air Quality

☒ Archeological/Historical

☒ Biological Resources

☐ Coastal Zone

☐ Drainage/Absorption

☐ Economic/Jobs

☐ Other

☐ Fiscal

☐ Flood Plain/Flooding

☐ Forest Land/Fire Hazard

☐ Geologic/Seismic

☐ Minerals

☐ Noise

☐ Population/Housing Balance

☐ Public Services/Facilities

☐ Recreation/Parks

☐ Schools/Universities

☐ Septic Systems

☐ Sewer Capacity

☐ Soil Erosion/Compaction/Grading

☐ Solid Waste

☐ Toxic/Hazardous

☒ Traffic/Circulation

☐ Vegetation

☐ Water Quality

☐ Water Supply/Groundwater

☐ Wetland/Riparian

☐ Wildlife

☐ Growth Inducing

☐ Land Use

☐ Cumulative Effects

Present Land Use/Zoning/General Plan Designation: SITE CURRENTLY VACANT WITH AGRICULTURAL USES. ZONING IS R-1 SINGLE FAMILY RESIDENTIAL AND COMMERCIAL HIGHWAY. THE GP DESIGNATION IS COMMERCIAL AND MEDIUM DENSITY RESIDENTIAL.

Project Description: (please use a separate page if necessary)

A TOTAL OF 79 FARMLAND ACREAGE IN THE IMPERIAL COUNTY ARE PLANNED FOR ANNEXATION AND SUBDIVISION. THE PROJECT IS PLANNED FOR NEW RESIDENTIAL AND NEW COMMERCIAL DEVELOPMENT. THE PLANNED DEVELOPMENT WILL CONSIST OF 259 SINGLE FAMILY DETACHED UNITS; AND 13.21 ACRES FOR COMMERCIAL USE.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input checked="" type="checkbox"/> California Highway Patrol	<input checked="" type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Caltrans District #11	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Planning (Headquarters)	<input type="checkbox"/> Reclamation Board
<input type="checkbox"/> Coachella Valley Mountains Conservancy	<input checked="" type="checkbox"/> Regional WQCB # 7
<input type="checkbox"/> Coastal Commission	<input checked="" type="checkbox"/> Resources Agency
<input checked="" type="checkbox"/> Colorado River Board	<input type="checkbox"/> S.F. Bay Conservation & Development Commission
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> Santa Monica Mountains Conservancy
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input checked="" type="checkbox"/> Fish & Game Region # 6	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Forestry & Fire Protection	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input checked="" type="checkbox"/> Health Services, Department of	<input checked="" type="checkbox"/> Water Resources, Department of
<input checked="" type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other _____
<input type="checkbox"/> Integrated Waste Management Board	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Native American Heritage Commission	
<input type="checkbox"/> Office of Emergency Services	

Local Public Review Period (to be filled in by lead agency)

Starting Date 05/30/2008

Ending Date 06/29/2008

Lead Agency (Complete if applicable):

Consulting Firm: CITY OF CALEXICO

Applicant: _____

Address: 608 HEBER AVENUE

Address: _____

City/State/Zip: CALEXICO, CA. 92231

City/State/Zip: _____

Contact: ARMANDO G. VILLA, DIRECTOR

Phone: _____

Phone: (760) 768-2105

Signature of Lead Agency Representative: _____

Date: 5-28-08

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



CITY OF CALEXICO

608 Heber Avenue
Calexico, CA 92231
Tel: 760.768.2105
Fax: 760.357.7862

www.calexico.ca.gov

Department of Development Services

Administration - Building Safety - Code Enforcement - Engineering - Planning

May 30, 2008

Bureau of Reclamation

Lower Colorado Regional Office

Calexico Public Library (Public Review Document)

Calexico Unified School District - Agustin Ramirez

Caltrans, District 11,

Planning Division Mail Station 450 - Jacob Armstrong

Department of California Highway Patrol,

El Centro Area - R.E. Jones

Department of Conservation - Dennis O' Bryant

Department of Fish and Game

Eastern Sierra/ Inland Desert Region - Kim Nichols

Department of Toxic Substance Control

Region 1 - Greg Holmes

Department of Water Resources

Division of Dam Safety - David A. Gutierrez

Heber Public Utility District - John A. Jordan

Imperial County APCD - Monica Soucier

Imperial County Department of Agriculture

Imperial County Fire/OES - Captain Johnny M. Romero

Imperial County LAFCO - Jurg Heuberger

Imperial County Office of Education - Fernando O. Garcia

Imperial County Planning and

Development Services - Darrel Gardner

Imperial County Sheriff - Jesse Obeso

Imperial Irrigation District - John Kilps

The Gas Company

USFWS - Carol Roberts or Peggy Bartels

Re: Public Review Notice of Supplement to Mitigated Negative Declaration for Venezia Subdivision (SCH # 2005021128)

Agency Representative:

Enclosed please find a draft Supplement to a previously prepared Mitigated Negative Declaration for the Venezia Subdivision for your review and comment. If you, as a responsible agency, have any specific concerns regarding the preparation of the Supplement Mitigated Negative Declaration, please submit your comments to this office no later than **June 29, 2008** so that your concerns may be reflected on the document.

Your cooperation is greatly appreciated.

Sincerely,

Armando G. Villa

Director of Planning & Development Services

Enclosures

Viva Calexico!

Bureau of Reclamation
Lower Colorado Reg. Office
P.O. Box 61470
Boulder City, NV 89006-1470

Calexico Library
(Public Review Documents)
850 Encinas Avenue
Calexico, CA 92231

Agustin Ramirez
Calexico Unified School District
900 Andrade Avenue
Calexico, CA 92231

Jacob Armstrong
Caltrans, Dist. 11
Planning Division Mail Station 450
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San Diego, CA 92110

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Dept. of California Highway Patrol
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Imperial County Dept. of Agriculture
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El Centro, CA 92243

Captain Johnny M. Romero
Imperial County Fire/ OES
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Heber, CA 92249

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Imperial County LAFCO
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Development Services
801 Main Street
El Centro, CA 92243

Jesse Obeso
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El Centro, CA 92243

John Kilps
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Imperial, CA 92251

The Gas Company
1981 W. Lugonia Avenue
Redlands, CA 92373

Carol Roberts or Peggy Bartels
USFWS
6010 Hidden Valley Road
Carlsbad, CA 92011

**DRAFT SUPPLEMENT TO MITIGATED
NEGATIVE DECLARATION
VENEZIA SUBDIVISION
SCH# 2005021128
UA NO. 2003-73**

**REVISED ROADWAY IMPROVEMENTS
FOR VENEZIA SUBDIVISION PROJECT**

Prepared By:
**CITY OF CALEXICO
PLANNING DIVISION
DEVELOPMENT SERVICES
DEPARTMENT**
608 Heber Avenue
Calexico, CA 92231

MAY 2008

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- 3 Venezia Commercial Site Plan
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- 2 Trip Generation

APPENDICES (attached on CD pdf format)

- Appendix A: "Traffic Study for Venezia Mixed Use Development", prepared by Darnell and Associates, in April 2008.
- Appendix B: "Tierrasanta Highway Improvement Project Western Burrowing Owl Survey Calexico, California", prepared by HDR Engineering, in April 2006.
- Appendix C: "Archaeological Survey Report", prepared by Harris Archaeological Consultants, in April 2006.
- Appendix D: "Summary Letter – Biological and Cultural Resources", prepared by HDR, in May 25, 2007.

Originally Approved Mitigated Negative Declaration for Reference

- Volume I - Initial Study and Response to Comments
- Volume II - Technical Studies
- Volume III - Mitigation Monitoring Program

I. INTRODUCTION

A. PURPOSE

This document is a Supplement to the 2005 document entitled, "Mitigated Negative Declaration Venezia, Annexation, General Plan Amendment, Zone Change, and Tentative Tract Map", that was prepared by Development Design and Engineering (under the supervision of the City of Calexico) and which was approved by the City of Calexico in 2006 for the Venezia Subdivision project, and its applications for Annexation, General Plan Amendment, Zone Change, and Tentative Subdivision Map approval. In 2005, another applicant, CM Ranch proposed another residential development near the Venezia project site. The 2005 Mitigated Negative Declaration (MND) environmentally cleared and evaluated the Venezia project based on the proposed development of the CM Ranch project. In February 2008, the City of Calexico City Council adopted Ordinance 1067 which officially revoked all approvals of the CM Ranch project and its required roadway improvements. This Supplemental MND addresses and evaluates those changes to the 2005 MND that have resulted due to the revocation of City approvals of the CM Ranch project.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

As allowed by Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines, an approved Mitigated Negative Declaration may be amended if certain conditions were satisfied. The following provides those sections from the CEQA Guidelines that supports preparation of this Supplemental MND.

"15162. Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed."

"15163. Supplement to an EIR (Mitigated Negative Declaration)

(a) The lead or responsible agency may choose to prepare a supplement to an EIR (Mitigated Negative Declaration) rather than a subsequent EIR (Mitigated Negative Declaration) if:

- (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
- (2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

(b) The supplement to the EIR (Mitigated Negative Declaration) need contain only the information necessary to make the previous EIR (Mitigated Negative Declaration) adequate for the project as revised."

The City of Calexico's revocation of CM Ranch's project approvals and those offsite roadway improvements now proposed for the Venezia project are considered a "changed situation" and "minor additions or changes", therefore, it is concluded that the proposed Venezia roadway improvement plans will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. When Venezia was originally approved by the City in 2006, the project was conditioned and required to provide specific offsite roadway improvements that were predicated upon other roadway improvements to be constructed by CM Ranch collectively. Since CM Ranch's project approvals have been revoked, those required roadway improvements for CM Ranch will not be constructed. Venezia's plans for roadway improvements, therefore, now require revision. Those revised Venezia roadway improvements described in this document are proposed in response to the revocation of CM Ranch's project approvals and its required roadway improvements. Those aforementioned "changed situation" and "minor additions or changes" are not considered "substantial". The Venezia applicant is not proposing any land use changes to their project. Instead, the applicant is merely "readjusting" its roadway improvement plans to better serve the Venezia project, since CM Ranch will no longer be constructed. Therefore, it is concluded that a Subsequent Mitigated Negative Declaration is not required. Instead a Supplement to the original Mitigated Negative Declaration will be prepared. Those revised Venezia roadway improvements described in this document are considered "minor additions or changes" to the original Venezia plans and therefore, preparation of a Supplemental Mitigated Negative Declaration is deemed appropriate to environmentally clear the revised Venezia roadway improvement plans. CEQA provides authority for the Supplement to only address and evaluate those specific environmental impacts and changes resulting with the revised Venezia roadway improvements. All other evaluations of resultant environmental impacts associated with the Venezia project would continue to be provided with the original Mitigated Negative Declaration that was approved by the City in 2006.

The City of Calexico City Council is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the City. The City Council shall approve this Supplemental MND. In addition, this environmental document will be utilized by the State Department of Transportation (Caltrans) to provide the necessary environmental clearance and evaluations to review and approve any future Encroachment Permit request necessary for the proposed project. Caltrans is designated a Responsible Agency.

C. INTENDED USES OF SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION

This Supplemental Mitigated Negative Declaration is an informational document which is intended to inform City of Calexico decisionmakers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed project. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the City of Calexico (Lead Agency) and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

In addition, this environmental document will be utilized by the State Department of Transportation (Caltrans) to provide the necessary environmental clearance and evaluations to review and approve any future Encroachment Permit request necessary for the proposed project.

This Supplemental Mitigated Negative Declaration and Notice of Availability and Intent to Adopt prepared for the Supplemental Mitigated Negative Declaration will be circulated for a period of 30 days for public and agency review. Comments received on the document will be considered by the Lead Agency before it acts on the revised Venezia roadway improvements.

D. SCOPE OF ENVIRONMENTAL ANALYSES

This document is prepared to satisfy the CEQA needs of the City of Calexico and Caltrans. The City of Calexico is amending its previous approval of the Venezia project by revising specific mitigation measures contained in the document entitled, "Mitigated Negative Declaration Venezia, Annexation, General Plan Amendment, Zone Change, and Tentative Tract Map", prepared by Development Design and Engineering (under the supervision of the City of Calexico), in 2005. As discussed, when Venezia was originally approved by the City in 2006, the project was conditioned and required to provide specific offsite roadway improvements that were predicated upon other roadway improvements to be constructed by CM Ranch. Since CM Ranch's project approvals have been revoked, those roadway improvements required for CM Ranch will not be constructed. Venezia's plans for roadway improvements, therefore, required revision or "readjustment". Those revised Venezia plans and roadway improvements described in this document are proposed in response to the revocation of CM Ranch's project approvals. A new traffic study has been prepared to evaluate potential impacts resulting with these revised or readjusted traffic improvements, entitled, "Traffic Study for Venezia Mixed Use Development", prepared by Darnell and Associates, in April 2008.

Caltrans, during its March 26, 2008 meeting with the City of Calexico, requested that any biological and/or cultural resources located within those offsite areas along SR-98 that would be covered by any future Encroachment Permit also be discussed. Technical analyses were conducted to address these particular issues. Biological resources were evaluated in the document entitled, "Tierrasanta Highway Improvement Project Western Burrowing Owl Survey Calexico, California", prepared by HDR Engineering, in April 2006. Cultural resources were evaluated in the document entitled, "Archaeological Survey Report", prepared by Harris Archaeological Consultants, in April 2006. The traffic study, burrowing owl survey, and archaeological survey report are included in this document as Appendix A to C, respectively.

As discussed in the previous sections, CEQA indicates that Supplemental Mitigated Negative Declarations "need contain only the information necessary to make the previous EIR (Mitigated Negative Declaration) adequate for the project as revised."

Therefore, for purposes of this document, the following issues shall be evaluated:

- Revision of those traffic mitigation measures required with the previous 2005 MND.
- Discussion of potential biological resources within those offsite areas along SR-98 that could be covered by any future Caltrans Encroachment Permit as a result of roadway widening and construction.
- Discussion of potential cultural resources within those areas along SR-98 that could be covered by any future Caltrans Encroachment Permit as a result of roadway widening and construction.

It has been determined that those other environmental issues previously evaluated in the 2005 MND do not require updated discussions in this document. Presently, the proposed land uses of the Venezia project are not being amended. The project will continue to provide 249 single-family units, park facilities and retention basin, a mini-park, commercial uses, a commercial retention basin, and other related improvements, which is the same project proposal that was previously approved by the City and environmentally cleared in the 2005 MND. Furthermore, the proposed project will be developed on the same project site. Therefore, those environmental issues and previous environmental evaluations that were based on the particular location of the project site and on those particular land uses and densities being proposed by the Venezia project will not be changed or altered, and therefore, do not require further discussion or updated evaluation in this document. The following environmental issues do not require further evaluation in this document.

- Aesthetics
- Agriculture Resources
- Air Quality
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

E. CONTENTS OF THIS DOCUMENT

This document is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed project.

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and intended uses of this document.

II. PROJECT DESCRIPTION describes the project location and proposed project.

III. ENVIRONMENTAL ANALYSIS provides updated evaluations for traffic, biological resources, and cultural resources.

IV. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

V. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Supplemental Mitigated Negative Declaration.

VI. REFERENCES lists bibliographical materials used in preparation of this document.

II. PROJECT DESCRIPTION

A. PROJECT LOCATION AND SETTING

The Venezia project site encompasses approximately 78 acres and is generally rectangular in shape and is located at the corner of Bowker Road and SR-98. The All American Canal forms the northern boundary of the project site. Offsite traffic improvements to SR-98 are also required to service the overall Venezia development and project site. Refer to Exhibit 1 for a location map of the Venezia project site and the segment of SR-98 that must be improved along with the Venezia project. The Venezia project site is presently undeveloped and primarily in agriculture. Surrounding areas are also undeveloped. Figure 1 presents a Vicinity Map of the Venezia project site.

B. PROJECT DESCRIPTION AND BACKGROUND

The original Venezia project and requested discretionary applications were submitted to the City on April 2004. A revised plan was later submitted in January 2005. In January 2005, the Planning Commission conducted an Initial Study hearing and determined that the project qualified for preparation of a Mitigated Negative Declaration. Consideration to approve the Final MND was continued over an extended period to further evaluate and provide appropriate mitigation for the following impacts: street access, school impacts, water/sewer capacity and service, and consistency with surrounding anticipated development. In February 2006, the Planning Commission recommended approval of the Venezia project and the requested discretionary applications. The City Council, in March 2006, approved the Venezia project and the requested discretionary applications. Additionally, the applicant concluded all required steps through the LAFCO process. The project was subsequently officially annexed to the City of Calexico in August 2007.

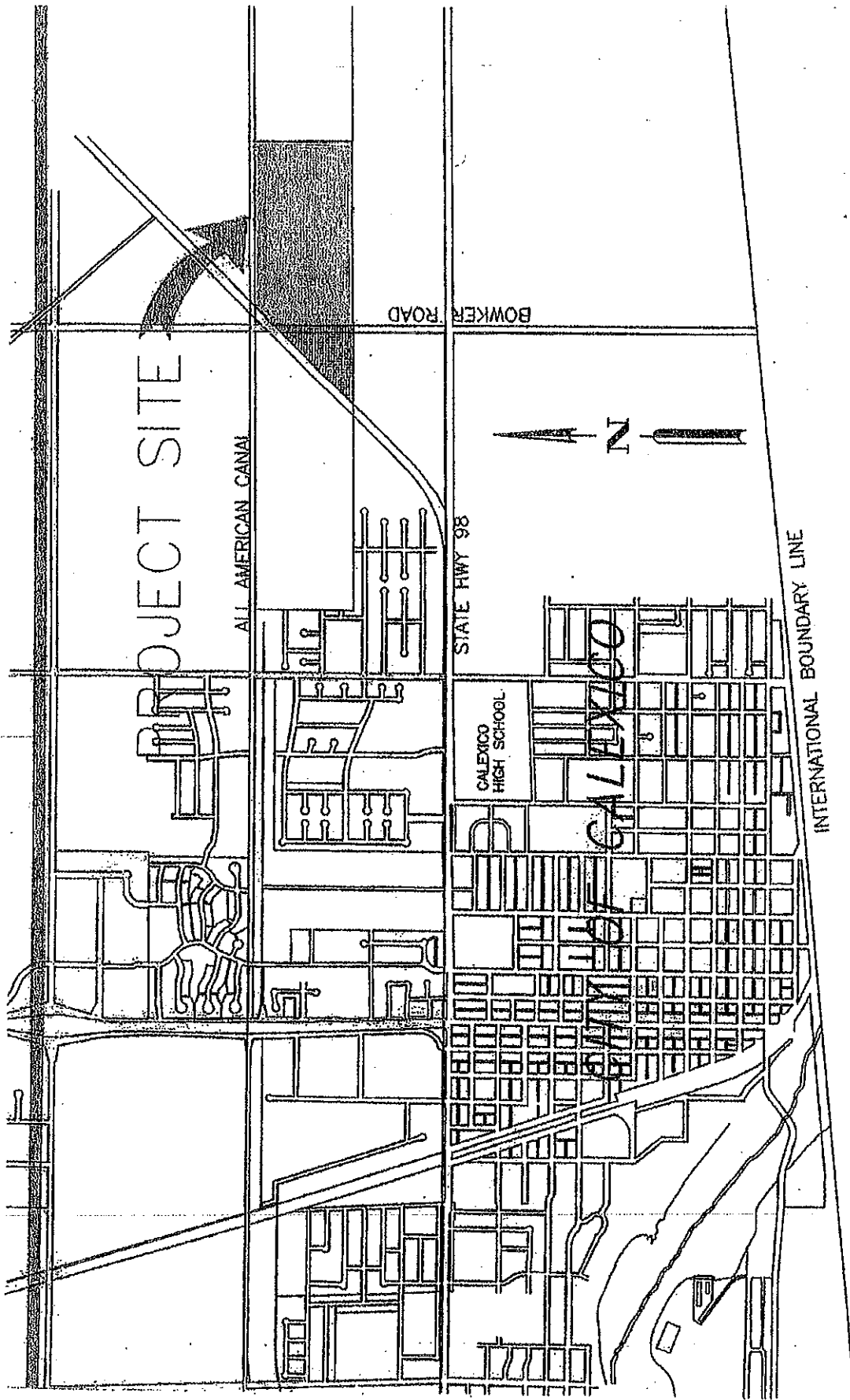
When the City approved the Venezia project and its discretionary applications in 2006, the project proposed the following:

- 249 single-family residences
- Park facilities and retention basin
- Mini-park
- Commercial
- Commercial retention basin

In addition, the project proposed and was conditioned to provide roadway improvements to SR-98, Bowker Road, and Jade Avenue. Figures 2 and 3 present the residential and commercial site plans for Venezia, respectively.

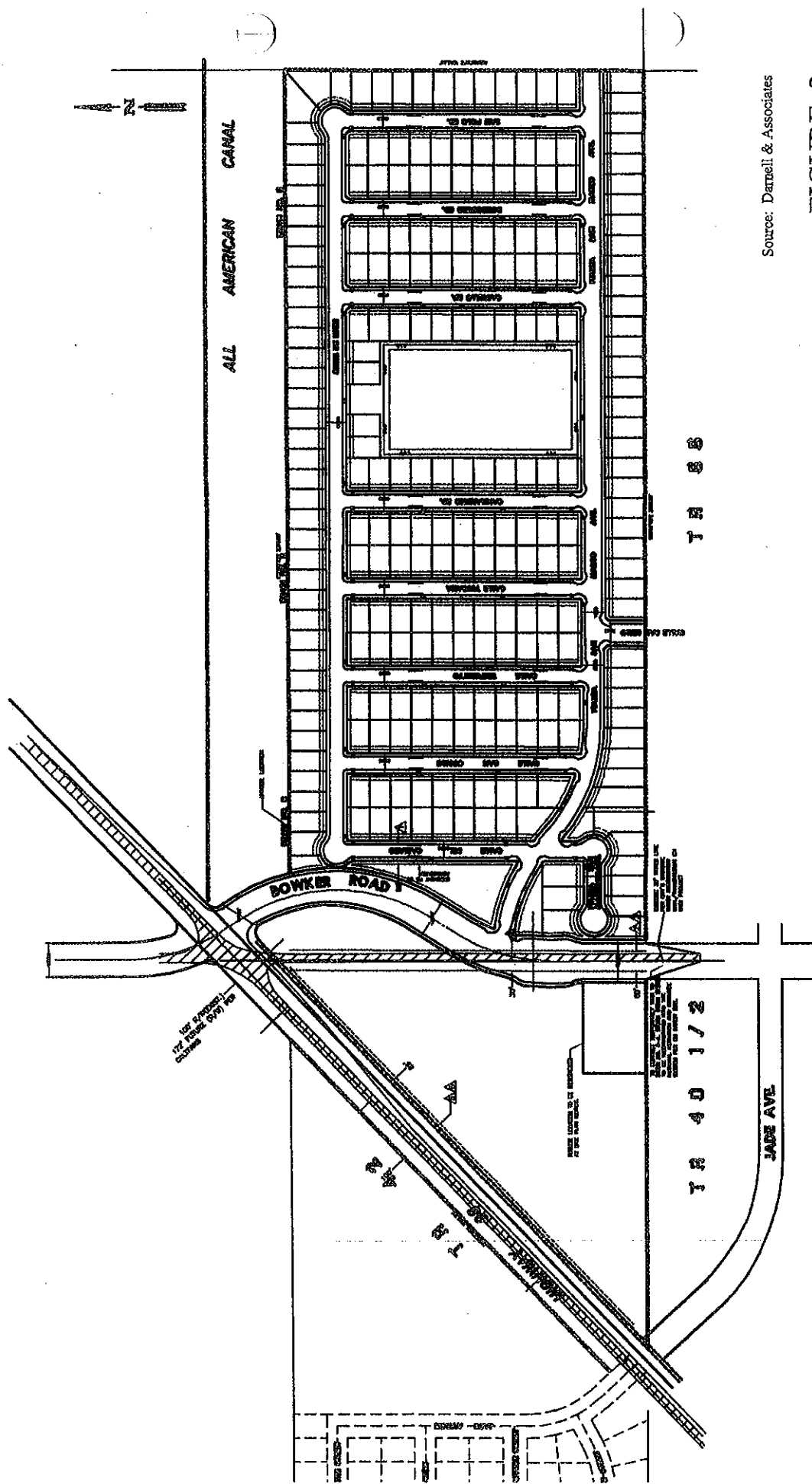
As discussed, when Venezia was originally approved by the City in 2006, the project was conditioned and required to provide specific offsite roadway improvements that were predicated upon other roadway improvements to be constructed by the adjacent CM Ranch. Since CM Ranch's project approvals have been revoked, its roadway improvements will not be constructed. Accordingly, Venezia's plans for development and roadway improvements now require revision and "readjustment". Those revised Venezia plans and roadway improvements described in this document are proposed in response to the revocation of CM Ranch's project approvals and its required roadway improvements.

Presently, the applicant is not proposing any changes to its land use plan for the Venezia project. The project's roadway improvements are being readjusted in response to the revocation of CM Ranch's project approvals and its required roadway improvements. Accordingly, those conditions of approval and mitigation measures that were approved with the Venezia project in 2006 must now be revised similarly with those readjusted roadway improvements that must now be provided with the Venezia project. These revised conditions of approval and mitigation measures will require review and approval by the City's Planning Commission and City Council. This document is prepared to provide the



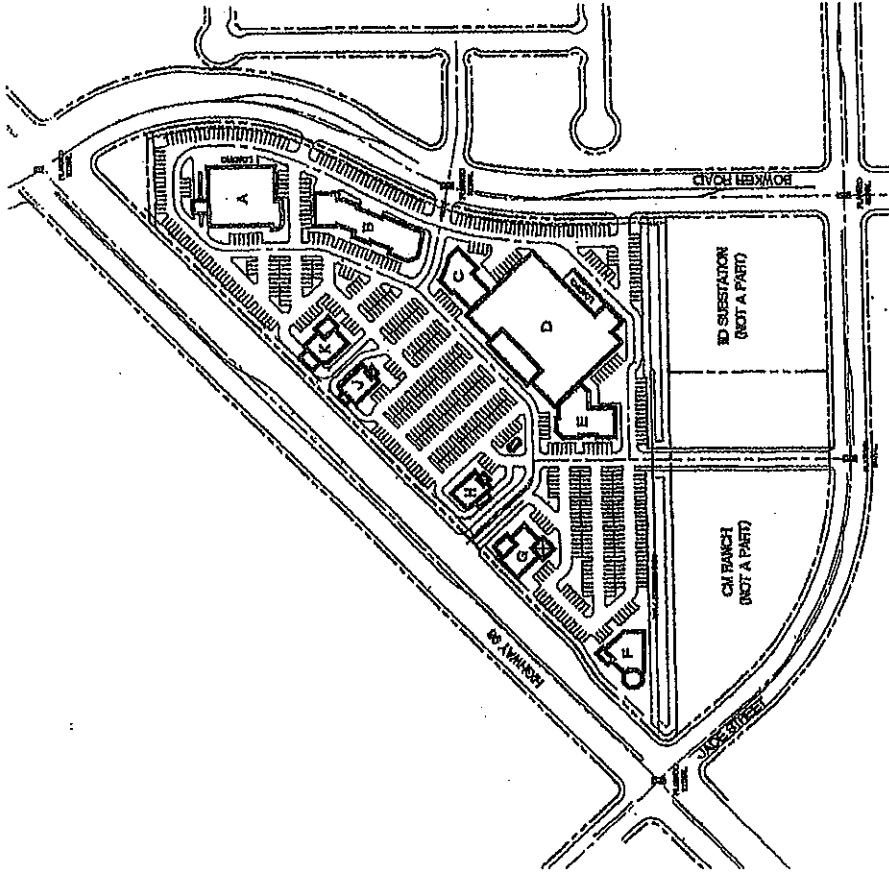
Source: DD & E

FIGURE 1
VICINITY MAP
REVISED ROADWAY IMPROVEMENTS FOR VENEZIA



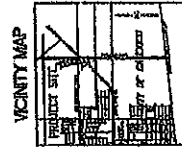
Source: Darnell & Associates

FIGURE 2
 VENEZIA RESIDENTIAL SITE PLAN
 REVISED ROADWAY IMPROVEMENTS FOR VENEZIA



SUMMARY

SITE AREA	154.4 ACRES
LESS WATER RETENTION BASIN	15.4 ACRES
NET SITE AREA	139.0 ACRES
TOTAL BUILDING AREA	47,000 SF
SITE COVERAGE	33%
PARKING SUMMARY	
TOTAL PROVIDED	97 SPACES (52,000 SF)
PERLUNG SUMMARY	
A) FUEL STORAGE	17,000 SF
B) BACKS	14,000 SF
C) GALLERY	6,000 SF
D) SEVER	5,000 SF
E) RESTAURANT	7,000 SF
F) RESTAURANT	7,000 SF
G) FAST FOOD	5,000 SF
H) FAST FOOD	5,000 SF
I) RESTORATION	4,000 SF

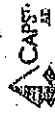


0 100' 200' 300'
SCALE 1"=300'-0"

Conceptual Site Plan

Highway 98 & Bowker Road
Calexico, California

PROJECT
REMOVED
DATE 12/20/05

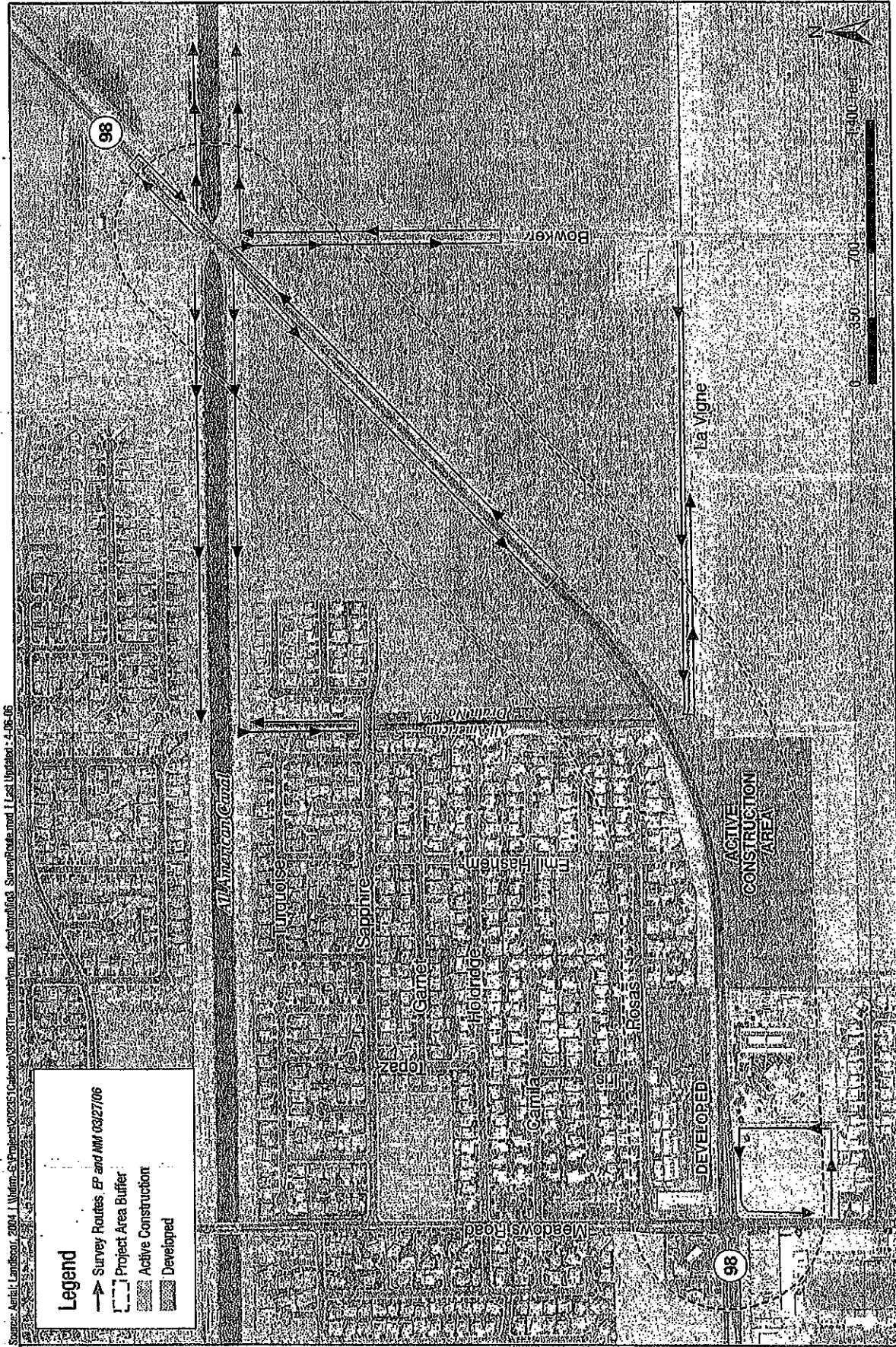


12 DECEMBER 2005

Source: Darnell & Associates

FIGURE 3
VENEZIA COMMERCIAL SITE PLAN
REVISED ROADWAY IMPROVEMENTS FOR VENEZIA

Source: Aerial; LandInfo, 2004; I. Wilms, S. Projects (2025) (Colorado 35293) (Tarrant and Texas) - Aerial and Map 11-11 Updated: 4-05-06



Source: HDR

FIGURE 4
SURVEY AREA
REVISED ROADWAY IMPROVEMENTS FOR VENEZUELA

necessary environmental clearance for the readjusted roadway improvements. In addition, Caltrans is a responsible agency to this document, since roadway improvements to SR-98 are required to accommodate the Venezia project; future issuance of an Encroachment Permit will be required by Caltrans.

The following describes the readjusted roadway improvements which are being proposed in two phases:

Phase 1 – Interim Condition

These improvements will be provided at the intersection of SR-98 and Bowker Road, within the existing canal undercrossing and will correct the existing non-standard intersection geometry. Presently, Bowker Road intersects SR-98 at approximately 45 degrees. Bowker Road will be re-aligned within the vicinity of this intersection to reduce the exiting skew angle to the minimum value allowed in the Highway Design Manual, which is 75 degrees. By re-aligning Bowker Road, adequate sight distance from the intersection will also be maintained. SR-98 and Bowker Road will be improved to the following:

- **SR-98:** Total 100-foot existing right-of-way width, with two 12-foot through lanes, a 12-foot left-turn lane, and two eight-foot shoulders. SR-98 will be widened west of Bowker Road for a width of 12 feet to provide a right-turn lane for eastbound traffic approaching Bowker Road. The project will be responsible for providing ultimate half-width right-of-way on SR-98 along the project's frontage in accordance with Caltrans requirements.
- **Bowker Road:** Total 60-foot right-of-way, with two 12-foot through lanes, a 12-foot left-turn lane, two eight-foot shoulders, and two four-foot sidewalks. The project will be responsible for providing ultimate right-of-way on Bowker Road (both sides) along the project frontage. With the ultimate re-aligned curvature, the total right-of-way will be 126 feet.

Phase 2 – Ultimate Condition

Development of Phase 2 will require the City of Calexico and Caltrans to enter into an agreement or memorandum of understanding for the construction and widening of the SR-98 at Bowker Road intersection and/or construction of the SR-98 at Jade Avenue intersection.

III. ENVIRONMENTAL ANALYSIS

This section evaluates potential traffic, biological, and cultural impacts that could result with the revised roadway improvements.

A. TRAFFIC AND ROADWAY IMPROVEMENTS

This section is based on findings and conclusions contained in the document entitled, "Traffic Study for Venezia Mixed Use Development", prepared by Darnell and Associates, in April 2008.

The traffic study estimated that the overall project will be constructed in two phases. Phase 1, which is projected for completion by the Year 2015, will construct 249 single-family residences and 44,000 sf. of commercial uses. Phase 2, which is projected to the Year 2035, will construct another 83,000 sf. of commercial uses. The traffic study evaluated traffic impacts resulting with these proposed land uses to be constructed with each of the two phases and those roadway improvements required to serve these land uses, according to the following scenarios:

- Existing Conditions Plus Project Roadway Operations
- Existing Conditions Plus Project Intersection Operations
- Year 2015 (Without Jade Street) Roadway Segment Operations
- Year 2015 (Without Jade Street) Intersection Operations
- Year 2015 (With Jade Street) Roadway Segment Operations
- Year 2015 (With Jade Street) Intersection Operations
- Year 2035 Roadway Segment Operations
- Year 2035 Intersection Operations

Impacts were quantified and evaluated according to the County's Congestion Management Program (CMP) requirements and levels of service for each studied roadway segment and intersection. Key roadway segments that were evaluated included Bowker Road and SR-98. Key intersections that were evaluated included SR-98 at Meadows Road; SR-98 at Riveria Road; and SR-98 at Bowker Road.

Regarding the CMP, approval of Proposition 111 in 1990, required each County to evaluate transportation and traffic impacts of large projects on the regional transportation system according to specified criteria that was based on trip generation potential. The criteria or threshold utilized by the County of Imperial is 2,400 average daily vehicle trips or 200 peak hour trips. The traffic study calculated that the project would generate approximately 12,650 new total daily trips. Therefore, the traffic study was prepared in accordance with County CMP procedures and requirements.

Levels of service (LOS) is the professional standard by which the operating conditions of a particular roadway segment or intersection are measured. Levels of service are defined on a scale of LOS A to LOS F. LOS A represents the best operating conditions, while LOS F represents the worst conditions. The City of Calexico typically accepts LOS C as the standard for determining whether a particular roadway or intersection is operating at an acceptable level. However, the City will also accept LOS D at roadway segments if the intersections along the segment operate at LOS D or better during peak hours. Accordingly, the traffic study utilized a standard of LOS D when determining if the project's traffic generation would significantly impact a particular roadway or intersection.

The following summarizes conclusions from the traffic study regarding project impacts on key roadways and intersections according to the aforementioned scenarios. Please refer to the traffic study which provides the quantitative analyses of each studied roadway segment and intersection. Compliance with those mitigation measures contained in the following sections ensure that potential traffic-related impacts will be reduced to levels of insignificance.

- **Existing Conditions Plus Project Roadway Operations:** The traffic study concluded that at ultimate buildout, the project will generate approximately 12,650 average daily trips (606 trips and

1,265 trips during morning and afternoon peak hours, respectively) and that all roadway segments will operate at acceptable levels of service.

- **Existing Conditions Plus Project Intersection Operations:** The traffic study concluded that all analyzed intersections will operate at acceptable levels of service, except for SR-98 at Bowker Road.
- **Year 2015 (Without Jade Street) Roadway Segment Operations:** The traffic study concluded that deficiencies will result at the following roadway segments: SR-98, west of Meadows Road (Phase 1 and Total Project) and Bowker Road from SR-98 to the project's access (Total Project only). To mitigate the analyzed deficiencies, the traffic study recommended installation of a traffic signal at SR-98 and Bowker Road, prior to ultimate buildout of the project. Roadways will operate at acceptable levels with this mitigation measure.
- **Year 2015 (Without Jade Street) Intersection Operations:** The traffic study concluded that deficiencies will result at the following intersections: SR-98 at Bowker Road (Phase 1 and Total Project) and Bowker Road at the project's access (Phase 1 and Total Project). To mitigate the analyzed deficiencies, the traffic study recommended that the aforementioned traffic signal at SR-98 and Bowker Road be installed prior to ultimate buildout of the project. Intersections will operate at acceptable levels with this mitigation measure.
- **Year 2015 (With Jade Street) Roadway Segment Operations:** The traffic study concluded that deficiencies will result at SR-98, west of Meadows Road (Phase 1 and Total Project). To mitigate the analyzed deficiencies, the traffic study recommended that traffic signals be installed at the SR-98/Bowker Road and Bowker Road/project access connections with Jade Street, prior to ultimate buildout of the project. Two new intersections will also be created, including Jade Street at SR-98 and Jade Street at Bowker Road. Both these intersections will require traffic signals to access SR-98. Roadways will operate at acceptable levels with these improvements.
- **Year 2015 (With Jade Street) Intersection Operations:** The traffic study concluded that all intersections will operate at acceptable levels with the aforementioned improvements.
- **Year 2035 Roadway Segment Operations:** The traffic study concluded that deficiencies will result at SR-98, west of Meadows Road. Mitigation measures are recommended by the traffic study to alleviate any deficiencies, as discussed in the following section.
- **Year 2035 Intersection Operations:** The traffic study concluded that deficiencies will result at the intersections of SR-98 at Meadows Road, Bowker Road, and Jade. Mitigation measures are recommended by the traffic study to alleviate any deficiencies, as discussed in the following section.

Mitigation Measures

As discussed, because the neighboring CM Ranch's project approvals and its roadway improvements were revoked by the City, those traffic mitigation measures contained in the original 2005 MND likewise, required amendment. This section lists those traffic mitigation measures that were approved with the original 2005 MND; those mitigation measures that were recommended in the 2008 Darnell traffic study; and those mitigation measures that are now required by the City Engineer. Those mitigation measures now required by the City Engineer considered those mitigation measures recommended in the 2008 Darnell traffic study and replaces those mitigation measures recommended in the original 2005 MND. Those mitigation measures required by the City Engineer considered findings and recommendations from the Darnell traffic study and are now considered the project's mitigation measures that are necessary to reduce any potential traffic-related impact to a level of insignificance.

Mitigation Measures From Original 2005 MND

- **Meadows to Bowker:** Cumulative - Widen to classification of a State Highway with 6 lanes. (Alternatives 1 & 2).

- **Bowker, Cole to SR98:** Direct - Widen to ultimate R/W with 4-lanes. (Alternatives 1 & 2).
- **Bowker, Cole to SR98:** Cumulative - Widen to ultimate R/W with 4-lanes. (Alternatives 1 & 2).
- **Bowker, South of SR98:** Direct - Widen to ultimate R/W with 4-lanes. (Alternatives 1 & 2).
- **Bowker, South of SR98:** Cumulative - Widen to ultimate R/W with 4-lanes. (Alternatives 1 & 2).
- **Jade, SR 98 to Bowker Road:** Direct - Construct 84-foot R/W with a 96-foot R/W at Hwy 98 intersection. (Alternatives 1 & 2).
- **Jade, SR 98 to Bowker Road:** Cumulative - Construct as a four lane street with a center two way left turn lane. (Alternatives 1 & 2).
- **SR98@ Meadows/Andrade:** Cumulative - Add eastbound/westbound through lanes, northbound left, northbound right, and southbound right. (Alternatives 1 & 2) No R/W is available for traffic lane addition. Other mitigating alternatives would be to upgrade existing signal with overlapped SB right-turn signal phasing and improved timings.
- **SR98 @ E. Rivera:** Short Term – Signalize (Alternatives 1 & 2).
- **SR98 @ E. Rivera:** Cumulative - Signalize and add additional east/west through lanes. (Alternatives 1 & 2) In addition, add a second westbound left-turn lane.
- **SR98 @ E. Rivera:** Future - Add eastbound right lane. (Alternatives 1 & 2).
- **SR98 @ Jade:** Direct - Signalize and construct south leg of the intersection with ultimate 4-lane configuration. (Alternatives 1 & 2).
- **SR98 @ Jade:** Short Term - Signalize & with ultimate 4-lane configuration. (Alternatives 1 & 2).
- **SR98 @ Jade:** Cumulative - Signalize and construct south leg of the intersection with ultimate 4-lane configuration. (Alternatives 1 & 2).
- **SR98 @ Jade:** Future - Add eastbound right and westbound right, lanes. (Alternative 1).
- **SR98 @ Project Access:** Direct - Construct as one lane of ingress right turn only (Alternative 1)
- **SR98 @ Bowker:** Direct – Signalize and construct ultimate intersection lane configurations (Alternatives 1 & 2).
- **SR98 @ Bowker:** Short Term – Signalize and construct ultimate intersection lane configurations (Alternatives 1 & 2).
- **SR98 @ Bowker:** Cumulative - Signalize and construct ultimate intersection lane configurations (Alternatives 1 & 2).
- **SR98 @ Bowker:** Future - Construct ultimate intersection lane configurations (Alternatives 1 & 2).
- **Jade @ Project Access:** Direct - Construct as one lane of ingress, one lane of egress, stop controlled on the access approach (Alternatives 1 & 2).
- **Jade @ Project Access:** Cumulative - Construct as one lane of ingress, one lane, of egress, stop controlled on the access approach (Alternatives 1 & 2).

- **Jade @ Project Access:** Future – Signalize (Alternatives 1 & 2).
- **Jade @ Bowker:** Direct - Construct south leg of the intersection as AWSC, eastbound (Alternatives 1 & 2).
- **Jade @ Bowker:** Cumulative – Signalize (Alternatives 1 & 2).
- **Jade @ Bowker:** Future – Signalize (Alternatives 1 & 2).
- **Bowker @ Project Access:** Direct - Construct east and west legs of intersection and as all way stop controlled (Alternatives 1 & 2).
- **Bowker @ Project Access:** Short Term - Construct east and west legs of intersection and as all way stop controlled (Alternative 1).
- **Bowker @ Project Access:** Short Term - Construct east and west legs of intersection and as all way stop controlled (Alternative 2).
- **Bowker @ Project Access:** Cumulative - Construct east and west legs of intersection, signalize (Alternatives 1 & 2).

Mitigation Measures From Darnell and Associates' 2008 Traffic Study

Existing Plus Project (Phase 1)

- Provide a traffic signal at SR-98/Bowker Road.
- Provide ultimate half-width right-of-way on SR-98 along the project frontage.
- Provide ultimate half-width right-of-way on Bowker Road (both sides) along the project frontage.

Year 2015 Plus Project (Phase 1)

- Provide a traffic signal at Bowker Road/Project Access.
- Pay fair-share and/or pay into a traffic mitigation fee program established by the City for improvements along SR-98, west of Meadows Road.

Year 2035 Plus Project

- Contribute its fair-share to coordinate traffic signals along SR-98.

SR-98/Bowker Road Interim Condition

- The intersection of Bowker Road at SR-98 shall be re-aligned to reduce the existing skew angle to the minimum value allowed in the Highway Design Manual (75 degrees) to provide adequate sight distance from the intersection.
- Install a left-turn channelization for both directions on Bowker Road and an additional right-turn channelization for eastbound SR-98.

Mitigation Measures Now Required by the City Engineer

- a. **SR-98, Meadows to Bowker:** Cumulative - Applicant/Developer shall contribute a fair share

payment of 5.03% to widen to classification of a State Highway with 6 lanes (Alternatives 1 & 2).

- b. **Bowker, Cole to SR98:** Direct - Widen to ultimate R/W with 4-lanes. (Alternatives 1 & 2).
- c. **Bowker, Cole to SR98:** Cumulative - Widen to ultimate R/W with 4-lanes. (Alternatives 1 & 2).
- d. **Bowker, South of SR98:** Direct - Widen to ultimate R/W with 4-lanes. (Alternatives 1 & 2).
- e. **Bowker, South of SR98:** Cumulative - Widen to ultimate R/W with 4-lanes. (Alternatives 1 & 2).
- f. **SR-98/Bowker Road Interim Intersection and Segments:** The project has a direct impact and is responsible for installing the traffic signal, widen Hwy 98 with accel and decel lanes, and the Bowker Road roadway width within a 60 feet R/W width geometric. The project is responsible for providing ultimate half-width right of way on SR-98 along their project frontage, and is responsible for providing ultimate right of way on Bowker Road (both sides) along their project frontage based on the Ultimate Geometric as per prior approval. The proposed interim improvements also include installation of a traffic signal at the intersection (warrants in Traffic Report), left turn channelization for both directions on Bowker Road, and the addition of right turn channelization for eastbound SR-98. Left turn channelization is already in place on SR-98 at the intersection.
- g. **State Route SR-98 west of Meadows:** State Route 98 west of Meadows demonstrates LOS D for the year 2015 condition. This segment is ultimately a Highway designation. The project is part of the need for these improvements and will pay their fair share and/or pay into a traffic mitigation fee program established by the City of Calexico. Fees shall be pay at the rate of \$12.00 per Project ADT.
- h. **SR-98@ Meadows/Andrade:** Cumulative - Add eastbound/westbound through lanes, northbound left, northbound right, and southbound right. (Alternatives 1 & 2) No R/W is available for traffic lane addition. Other mitigating alternative would be to upgrade existing signal with overlapped SB right-turn signal phasings and improved timings.
- i. **SR-98 @ E. Rivera:** Short Term – Signalize Fair Share of 5.03% (Alternatives 1 & 2).
- j. **SR-98 @ E. Rivera:** Cumulative - Signalize and add additional east/west through lanes. (Alternatives 1 & 2). In addition, add a second westbound left-turn lane.
- k. **SR-98 @ E. Rivera:** Future - Add eastbound right lane. (Alternatives 1 & 2).
- l. **SR-98 @ Bowker:** Direct – Signalize and construct ultimate intersection lane configurations. (Alternatives 1 & 2).
- m. **SR-98 @ Bowker:** Short Term – Signalize and construct ultimate intersection lane configurations. (Alternatives 1 & 2).
- n. **SR-98 @ Bowker:** Cumulative - Signalize and construct ultimate intersection lane configurations. (Alternatives 1 & 2).
- o. **SR-98 @ Bowker:** Future - Construct ultimate intersection lane configurations (Alternatives 1 & 2).
- p. **Bowker @ Project Access:** Direct - Construct east and west legs of intersection and as all way stop controlled. (Alternatives 1 & 2).
- q. **Bowker @ Project Access:** Short Term - Construct east and west legs of intersection and as all way stop controlled. (Alternative 1).

- r. **Bowker @ Project Access:** Short Term - Construct east and west legs of intersection and as all way stop controlled. (Alternative 2).
- s. **Bowker @ Project Access:** Cumulative - Construct east and west legs of intersection, signalize. (Alternatives 1 & 2).

The City Engineer also required project compliance with Table 1, which presents the project's contribution to the Bowker Road at SR-98 re-alignment improvements. This cost estimate was based on the City Engineer's calculation of trip generation information as presented in Table 2.

B. **BIOLOGICAL RESOURCES**

Caltrans requested that the City assess whether biological resources are located along SR-98 that would be covered by any future Encroachment Permit application. This section is based on findings and conclusions contained in the document entitled, "Tierrasanta Highway Improvement Project Western Burrowing Owl Survey Calexico, California", prepared by HDR Engineering, in April 2006 (Appendix B). HDR also prepared a May 25, 2007 letter that summarized findings from the burrowing owl survey. This letter is included in this document as Appendix D.

In its summary letter, HDR concluded the following:

- The survey boundary was delineated along SR-98, with a 150-meter wide buffer on both sides and extending between Meadows Road and Bowker Road (Please refer to Figure 4 for Survey Area).
- **Vegetation Communities:** The survey area supported agriculture, ruderal, and arrow-weed scrub vegetation communities, as well as disturbed and developed features such as canals, irrigation ditches, dirt roads, and residential development. The majority of the survey area was under agricultural cultivation. Bermuda grasses and Sudan grasses were the crops remaining in the fields. Ruderal vegetation was found primarily along the roadside and edges of the agricultural fields and within the smaller irrigation canals. Arrow-weed scrub was found along the banks of the All-American Canal.
- **Wildlife Movement Corridor:** HDR concluded that the survey area "does not currently provide for future protection of wildlife movement corridors and linkages. The project site does not currently function as a wildlife corridor or linkage based on the current conditions of high volume vehicle traffic, surrounding rapid development, habitat disturbance and degradation, human presence (residential), and agricultural practices."
- **Sensitive Botanical and Zoological Species:** HDR looked for the mud nama, Abram's spurge, mountain plover, and various raptor species. No sensitive species were observed, except for the Western Burrowing Owl.
- **Western Burrowing Owl:** HDR conducted a baseline biological survey and a burrowing owl habitat assessment and survey on March 27, 28, 29, and 30, 2006 according to Guidelines presented in the California Department of Fish and Game staff report and the Burrowing Owl Consortium. HDR concluded that the survey area did not support any active burrows. However, two active burrows which provided nesting habitat for two pairs were found within the 150-meter buffer. In addition, six pairs and one single owl were observed inhabiting seven burrows outside the survey area. HDR concluded that "No direct impacts to biological resources associated with the proposed project are identified pursuant to CEQA. No active burrowing owl burrows are found within the project site." HDR did conclude that the two pairs of owls could be impacted by construction activities. HDR recommended mitigation measures to alleviate potential impacts to the burrowing owl. HDR concluded that with mitigation measures, potential impacts to biological resources would be reduced to "below a level of significance."

Mitigation Measures

The following mitigation measures are required to ensure that potential biological impacts will not result within those areas along SR-98 that will be covered by any future Caltrans Encroachment Permit.

a. The project applicant shall accomplish the following:

- Retain an experienced and qualified biologist to conduct a pre-construction survey pursuant to CDFG protocols to ensure that any owls that may be occupying the survey area are identified. The pre-construction survey shall be performed within 30 days prior to start of construction. Should western burrowing owls be present, no take of an active nest will be permitted. CDFG shall be contacted and consulted to determine potential compensatory mitigation (passive relocation or mitigation bank).
- Establish a 75-meter (250-foot) no-construction buffer between onsite construction and peripheral nesting pairs with burrows from February 1 to August 31.
- Retain a biologist to monitor construction to ensure that no burrowing owls begin to nest once the ground is disturbed and no owls nest in construction material. Any materials that could attract nesting owls shall be covered.
- With City input, determine which of the following mitigation measures would be appropriate to alleviate impacts to any onsite owls: passive relocation; establishing a mitigation bank, or paying into an approved mitigation bank.

C. CULTURAL RESOURCES

This section is based on findings and conclusions contained in the document entitled, "Archaeological Survey Report", prepared by Harris Archaeological Consultants, in April 2006 (Appendix C). HDR also prepared a May 25, 2007 letter that summarized findings from the archaeological survey report. This letter is included in this document as Appendix D.

The following summarizes findings and conclusions from the archaeological survey report:

- **Records Search:** There were no prehistoric or historic archaeological sites, or historic properties identified within the survey area.
- No prehistoric archaeological sites were identified within a one-mile radius of the survey area.
- There were four historic archaeological sites (P-13-6906H, CM Ranch; -7130, All American Canal; -7667, Briar Canal; and -8879, trash scatter) and five historic properties identified within a one-mile radius of the survey area.
- **Archaeological Survey:** There were no prehistoric or historic cultural resources identified within the survey area.
- One historic trash scatter (CA-IMP-8879) was identified within 40 meters of the survey area.

The archaeological survey report concluded that cultural resources were not located within the survey area. There would be no significant impacts. However, HDR recommended a mitigation measure to further ensure that potential impacts would not result with the project.

Mitigation Measures

The following mitigation measures are required to ensure that potential cultural impacts will not result within those areas along SR-98 that will be covered by any future Caltrans Encroachment Permit.

- a. If buried cultural resources are encountered during construction, it is Caltrans policy that work in that area must halt until a qualified archaeologist can evaluate the nature and significance of the find. If human remains are unearthed during construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. In either instance, Caltrans District 11, Environmental Division, Cultural Studies Branch will immediately be notified.

IV. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines. These findings apply to environmental impacts resulting with the Venezia project's revised and readjusted roadway improvement plans. Refer to the original 2005 MND for those mandatory findings of significance made for the overall Venezia project and its proposed land uses.

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Less Than Significant Impact With Mitigation Measures**

The documents entitled, "Tierrasanta Highway Improvement Project Western Burrowing Owl Survey Calexico, California", prepared by HDR Engineering, in April 2006 and "Archaeological Survey Report", prepared by Harris Archaeological Consultants, in April 2006 concluded that potential biological and/or cultural impacts will not result within those areas along SR-98 to be covered by any future Caltrans Encroachment Permit with mitigation measures.

- b) **Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals? Less Than Significant Impact With Mitigation**

The documents entitled, "Tierrasanta Highway Improvement Project Western Burrowing Owl Survey Calexico, California", prepared by HDR Engineering, in April 2006; "Archaeological Survey Report", prepared by Harris Archaeological Consultants, in April 2006; and "Traffic Study for Venezia Mixed Use Development", prepared by Darnell and Associates, in April 2008 concluded that the project will not result in any significant short- or long-term impacts with mitigation measures. The project will not achieve any short-term environmental goal to the disadvantage of long-term environmental goals.

- c) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) Less Than Significant Impact**

The documents entitled, "Tierrasanta Highway Improvement Project Western Burrowing Owl Survey Calexico, California", prepared by HDR Engineering, in April 2006; "Archaeological Survey Report", prepared by Harris Archaeological Consultants, in April 2006; and "Traffic Study for Venezia Mixed Use Development", prepared by Darnell and Associates, in April 2008 concluded that the project will not generate any impacts that are individually limited, but will become cumulatively considerable. Significant cumulative impacts are not expected.

- d) **Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? Less Than Significant Impact**

The proposed project will not result in any potentially significant effects on human beings, either directly or indirectly. The proposed project will not result in any potentially significant impacts associated with traffic, biological resources, and/or cultural resources.

V. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. CITY OF CALEXICO – LEAD AGENCY

- Armando G. Villa, Development Services Director
- Duane Morita, Planning Consultant
- Tony Wong, City Engineering Consultant

B. CALTRANS – RESPONSIBLE AGENCY

- Jacob Armstrong

C. CONSULTANTS

- Bill Darnell, Darnell and Associates, Traffic
- Hank Morris, Darnell and Associates, Traffic
- HDR Engineering, Biology
- Harris Archaeological Consultants, Cultural

VI. REFERENCES

1. "Mitigated Negative Declaration Venezia, Annexation, General Plan Amendment, Zone Change, and Tentative Tract Map", that was prepared by Development Design and Engineering, in 2005.
2. Appendix A: "Traffic Study for Venezia Mixed Use Development", prepared by Darnell and Associates, in April 2008.
3. Appendix B: "Tierrasanta Highway Improvement Project Western Burrowing Owl Survey Calexico, California", prepared by HDR Engineering, in April 2006.
4. Appendix C: "Archaeological Survey Report", prepared by Harris Archaeological Consultants, in April 2006.
5. Appendix D: "Summary Letter – Biological and Cultural Resources", prepared by HDR, in May 25, 2007.

Originally approved Mitigated Negative Declaration

6. Volume I - Initial Study and Response to Comments
7. Volume II - Technical Studies
8. Volume III - Mitigation Monitoring Program

SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION

City of Calexico

The following Supplemental Mitigated Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name: Revised Roadway Improvements For Venezia Project

Project Applicant: City of Calexico

Project Location: The Venezia project site encompasses approximately 78 acres and is generally rectangular in shape and is located at the southwest corner of Bowker Road and SR-98. The All American Canal forms the northern boundary of the project site. Offsite traffic improvements to SR-98 are also required to service the overall Venezia development and project site.

Description of Project: The original Venezia project and requested discretionary applications were approved by the City of Calexico in March 2006 to provide the following uses:

- 249 single-family residences
- Park facilities and retention basin
- Mini-park
- Commercial
- Commercial retention basin
- Roadway improvements to SR-98, Bowker Road, and Jade Avenue

When Venezia was originally approved by the City in 2006, the project was conditioned and required to provide specific offsite roadway improvements that were predicated upon other roadway improvements to be constructed by the adjacent CM Ranch. CM Ranch's project approvals have been recently revoked and therefore, its roadway improvements will not be constructed. Accordingly, Venezia's plans for development and roadway improvements now require revision and "readjustment". Venezia roadway improvements are now being amended in response to the revocation of CM Ranch's project approvals and its required roadway improvements. Presently, the applicant is not proposing any changes to its land use plan for the Venezia project. This document is prepared to provide the necessary environmental clearance for the readjusted roadway improvements. In addition, Caltrans is a responsible agency to this document, since roadway improvements to SR-98 are required to accommodate the Venezia project; future issuance of an Encroachment Permit will be required by Caltrans.

FINDING

This is to advise that the City of Calexico, acting as the lead agency, has prepared a Supplemental Mitigated Negative Declaration as authorized and in accordance with Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines.

Support of Finding: The City of Calexico's revocation of CM Ranch's project approvals and those roadway improvements now proposed for the Venezia project are considered a "changed situation" and "minor additions or changes", therefore, it is concluded that the proposed Venezia roadway improvement plans will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. When Venezia was originally approved by the City in 2006, the project was conditioned and required to provide specific roadway improvements that were predicated upon other roadway improvements to be constructed by CM Ranch. Since CM Ranch's project approvals have been revoked, those required roadway improvements for CM Ranch will not be constructed. Venezia's plans for roadway improvements, therefore, now require revision. Those revised Venezia roadway improvements described in this document are proposed in response to the revocation of CM Ranch's project approvals and

its required roadway improvements. Those aforementioned "changed situation" and "minor additions or changes" are not considered "substantial". The Venezia applicant is not proposing any land use changes to their project. Instead, the applicant is merely "readjusting" its roadway improvement plans to better serve the Venezia project, since CM Ranch will no longer be constructed. Therefore, it is concluded that a Subsequent Mitigated Negative Declaration is not required. Instead a Supplement to the original Mitigated Negative Declaration will be prepared. Those revised Venezia roadway improvements described in this document are considered "minor additions or changes" to the original Venezia plans and therefore, preparation of a Supplemental Mitigated Negative Declaration is deemed appropriate to environmentally clear the revised Venezia roadway improvement plans. CEQA provides authority for the Supplement to only address and evaluate those specific environmental impacts and changes resulting with the revised Venezia roadway improvements. All other evaluations of resultant environmental impacts associated with the Venezia project would continue to be provided with the original Mitigated Negative Declaration that was approved by the City in 2006.

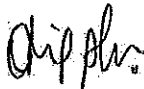
If adopted, the Supplemental Mitigated Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are provided in preceding paragraph. The project file and all related documents are available for review at the City of Calexico, Planning Division, 608 Heber Avenue, Calexico CA 92231 (760) 768-2105.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

5-23-08

Date of Determination



Armando G. Villa, Development Services Director

**APPENDIX A
TRAFFIC STUDY**

APPENDIX B
BIOLOGY STUDY

APPENDIX C
CULTURAL STUDY

APPENDIX D
HDR SUMMARY LETTER

APPENDICES (attached on CD pdf format)

- Appendix A: "Traffic Study for Venezia Mixed Use Development", prepared by Darnell and Associates, in April 2008.
- Appendix B: "Tierrasanta Highway Improvement Project Western Burrowing Owl Survey Calexico, California", prepared by HDR Engineering, in April 2006.
- Appendix C: "Archaeological Survey Report", prepared by Harris Archaeological Consultants, in April 2006.
- Appendix D: "Summary Letter -- Biological and Cultural Resources", prepared by HDR, in May 25, 2007.

Originally Approved Mitigated Negative Declaration for Reference

- Volume I - Initial Study and Response to Comments
- Volume II - Technical Studies
- Volume III - Mitigation Monitoring Program